



**STATE OF HAWAII**  
**BOARD OF EDUCATION**  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

May 2, 2019

TO: Board of Education

FROM: Margaret Cox  
Chairperson, Student Achievement Committee

AGENDA ITEM: Action on documents necessary to implement multiple charter school authorizer system, including application for chartering authority, authorizing contract, and authorizer performance evaluation system

---

## **I. BACKGROUND**

At its August 2, 2016 general business meeting, the Board of Education (“Board”) adopted a general timeline as guidance for the promulgation of the administrative rules for multiple charter school authorizers and the development of the multiple authorizer system.<sup>1</sup> The Board also authorized the Student Achievement Committee (“Committee”) Chairperson to adjust the timeline as necessary and provide notification as appropriate.

The Board’s administrative rules for a multiple authorizer system—Chapter 8-515, Hawai‘i Administrative Rules (“HAR”), entitled “Establishment and Oversight of Charter School Authorizers,”<sup>2</sup> and Chapter 8-517, HAR, entitled “Charter Contract Transfers”<sup>3</sup>—became effective on February 18, 2017, on track with the Board’s timeline. The rules require the Board to develop, among other things, the following:

- An application form, process, and processing schedule for eligible entities to apply to become authorizers, including policies, criteria, or guidelines for evaluating applications for chartering authority (HAR §8-515-5);

---

<sup>1</sup> The approved timeline is attached as Exhibit A to Board Member Jim Williams’ memorandum dated August 2, 2016, available here: [http://boe.hawaii.gov/Meetings/Notices/Documents/2016-08-02%20SAC/SAC\\_20160802\\_Action%20on%20multiple%20charter%20school%20authorizers%20timeline.pdf](http://boe.hawaii.gov/Meetings/Notices/Documents/2016-08-02%20SAC/SAC_20160802_Action%20on%20multiple%20charter%20school%20authorizers%20timeline.pdf).

<sup>2</sup> Chapter 8-515, HAR, is available here: <http://boe.hawaii.gov/policies/AdminRules/Pages/Chapter515.aspx>.

<sup>3</sup> Chapter 8-517, HAR, is available here: <http://boe.hawaii.gov/policies/AdminRules/Pages/Chapter517.aspx>.

- An authorizing contract that shall be executed with each entity the Board approves for chartering authority (HAR §8-515-6); and
- A performance evaluation system to assess the effectiveness of all authorizers (HAR §8-515-10).

The Board's August 2016 timeline projected that Board staff would develop and bring these important multiple authorizer system documents to the Board for adoption by June 2017, but due to several factors, they had to delay completion. At the Committee's December 6, 2018 meeting, I issued a new timeline.<sup>4</sup>

At its December 6, 2018 meeting, the Committee received updates on the following initiatives related to the implementation of a multiple authorizer system, which could affect the contents or application of the multiple authorizer system documents.

Centralized support. Board staff ran into some complications in developing the system for multiple authorizers due to the current structure of the charter school system, specifically the lack of centralized support for charter schools provided by a non-authorizing entity.<sup>5</sup> At its April 5, 2018 meeting, the Committee directed Board staff to research solutions to the centralized support structure issues and to propose an organizational structure that provides appropriate centralized support to charter schools.

In May 2018, Board staff gathered initial feedback on a few centralized support structure options from the Superintendent of the Department of Education ("Department") and the Executive Director of the State Public Charter School Commission ("Commission"). While the initial feedback was helpful, Sione Thompson, the Commission's Executive Director, requested a delay in exploring the options until October 2018 because the Commission was in the midst of its strategic planning and restructuring its staff. Board staff agreed that waiting until the Commission completed its restructuring would be beneficial to understanding the separation between the Commission's authorizing functions and support functions.

Request for information. At its April 5, 2018 meeting, the Committee directed Board staff to expedite the solicitation of parties interested in becoming an authorizer. On April 10, 2018, Board staff released a request for information ("RFI") on behalf of the Committee to gauge which parties are interested in becoming new charter school authorizers.<sup>6</sup> Five interested parties, three nonprofit organizations and two postsecondary institutions, submitted responses to the RFI.

---

<sup>4</sup> Student Achievement Committee Chairperson Margaret Cox's memorandum dated December 6, 2018, explains the factors that caused delays in more detail and includes the updated timeline, attached as Exhibit A. The memorandum is available here: [http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/SAC\\_20181206\\_Update%20on%20multiple%20charter%20school%20authorizer%20system.pdf](http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/SAC_20181206_Update%20on%20multiple%20charter%20school%20authorizer%20system.pdf).

<sup>5</sup> Student Achievement Committee Chairperson Margaret Cox's memorandum dated April 5, 2018, explains the structural issues in more detail. The memorandum is available here: [http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/SAC\\_20180405\\_Action%20on%20charter%20school%20support%20structure.pdf](http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/SAC_20180405_Action%20on%20charter%20school%20support%20structure.pdf).

<sup>6</sup> The RFI is available here: <http://boe.hawaii.gov/Documents/2018%20Request%20for%20Information.pdf>.

The interested organizations gave estimated dates of when they would be ready to begin the application process for chartering authority that ranged from December 2018 to Fall 2019. The interested organizations also gave estimated dates of when they would be ready to commence authorizer operations that ranged from December 2019 to Fall 2021.

Charter school purpose policy. The authorizer performance evaluation system must “[a]ssess the effectiveness of an authorizer or the commission in carrying out its duties **in a manner consistent with the purpose of charter schools, as determined by the board**, and the spirit and intent of chapter 302D, Hawaii Revised Statutes,” pursuant to HAR §8-515-10(a)(1) (emphasis added). At its February 21, 2017 general business meeting, the Board requested—in connection to the outcome of a special review of the Commission<sup>7</sup>—that the Commission work with the charter school community to develop a purpose of charter schools and propose a Board policy codifying the purpose.

At the Board’s March 1, 2018 general business meeting, Mr. Thompson requested that the Board provide guidance regarding the development of a Board policy on the purpose of charter schools. In response, then-Board Chairperson Lance Mizumoto directed Board staff to work with and provide support and guidance to the Commission as to the development of the Board policy and to coordinate efforts with the Superintendent and the Department. Board staff developed and released a survey on April 27, 2018, left it open through May 18, 2018, and received 2,639 responses from various education community members.

Board Chairperson Catherine Payne sent the analysis and policy proposal to the Commission for review. After the Commission provided comments, Board Chairperson Payne decided to release the draft analysis and policy proposal for public comment on March 29, 2019 to give the public ample opportunity to review and comment on the policy proposal. The public had until April 26, 2019 to provide comments. Board Chairperson Payne is reviewing the public feedback, and she will present her recommendation to the Board on May 16, 2019.

At the Committee’s February 7, 2019 meeting, I presented my proposed drafts of the multiple authorizer system documents and the background analysis.<sup>8</sup> In accordance with my revised timeline, the Committee approved the draft documents for public comment. My revised timeline had the Committee reviewing and approving the multiple authorizer system documents today and bringing its recommendation to the full Board on May 16, 2019. However, I have decided to waive the Committee’s jurisdiction and bring the documents to

---

<sup>7</sup> More information about the special review findings and recommendations is available here: [http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM\\_20170221\\_Board%20Action%20on%20Special%20Review%20recommendations.pdf](http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20170221_Board%20Action%20on%20Special%20Review%20recommendations.pdf).

<sup>8</sup> Student Achievement Committee Chairperson Margaret Cox’s memorandum dated February 7, 2019, contains the original proposed drafts of the multiple authorizer system documents and the detailed analysis. The memorandum is available here: [http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/SAC\\_20190207\\_Action%20on%20multiple%20charter%20school%20authorizer%20system%20documents.pdf](http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/SAC_20190207_Action%20on%20multiple%20charter%20school%20authorizer%20system%20documents.pdf).

the full Board today instead because two out of five of the Committee's voting members have recused themselves from deliberation and decision-making on this subject.

## II. UPDATE

As directed by the Committee, on February 8, 2019, Board staff published the draft documents on the Board's website and solicited feedback from charter school leaders, charter school support organizations, the Commission, Department leadership, each organization whom responded to the Committee's RFI, and National Association of Charter School Authorizers' ("NACSA"). Eight organizations and groups submitted comments by the March 9, 2019 deadline. **Attachment A** contains a summary of the comments and my responses to them. The verbatim public comments are in **Attachment B**. My responses to the public comments also describe whether the issues the comments raised necessitated any changes to the multiple authorizer system documents. Note that the Department of the Attorney General's Education Division also reviewed and provided comments and advice on the draft documents.

One of the high-level issues raised in the public comments included concerns that the multiple authorizer system documents do not address "local conditions," as contemplated by HAR Sections 8-515-5 and 8-515-10, or support Hawaiian culture-based educational programs. The detailed response contained in the attached summary should address these concerns, and in essence, the intent of these documents is to create a system in which it is possible for many different kinds of educational programs to coexist. While the national standards that serve as the basis for these documents are broad enough to apply locally, the public comments made the importance of authorizers understanding local conditions apparent. Thus, I revised the draft documents to clarify that authorizers and applicants seeking chartering authority must possess understanding of local conditions.

The public feedback also raised several issues that the Board cannot address through this process, including funding for additional authorizers and technical support for charter schools. The Board may want to consider examining the authorizer funding issue and determining the kind of action it would like to take, if any, to address it. Regardless of the Board's position, addressing any funding issues will require legislative action. As noted above, the Student Achievement Committee already directed Board staff to research solutions to the centralized support structure issues. The Board may want to consider where this issue falls on its list of priorities and responsibilities.

The attached summary includes many more comments and responses.

I revised the multiple authorizer system documents after reviewing the public comments and comments from the Department of the Attorney General. The redlined copies of the revised authorizer performance evaluation system is attached as **Attachment C**, the revised application for chartering authority as **Attachment D**, and the revised authorizing contract template as **Attachment E**.

### **III. RECOMMENDATION**

I recommend the Board approve the application for chartering authority, authorizing contract, and authorizer performance evaluation system attached to this memorandum.

**Proposed Motion: Moved to approve and adopt the application for chartering authority, authorizing contract, and authorizer performance evaluation system, as attached to this memorandum with the changes accepted, and authorize the Board Executive Director to make any technical, non-substantive changes as necessary for clarity and consistency.**

**Attachment A**

**Summary of and Responses to Public Comments on Student Achievement  
Committee's Proposed Multiple Charter School Authorizer System Documents**

# Summary of and Responses to Public Comments on Proposed Multiple Charter School Authorizer System Documents

## Parties Submitting Public Comments

- ‘Aha Pūnana Leo, Inc. (“‘Aha Pūnana Leo”)
- Department of Education (“Department”) via Deputy Superintendent Phyllis Unebasami, Assistant Superintendent Amy Kunz, Assistant Superintendent Heidi Armstrong, and Assistant Superintendent Donna Lum Kagawa
- Ka Haka ‘Ula O Ke‘elikōlani College, University of Hawai‘i at Hilo (“KHUOK”)
- Kamehameha Schools
- Kanaeokana Kula Hawai‘i Network (“Kanaeokana”)
- National Association of Charter School Authorizers (“NACSA”)
- Office of Hawaiian Affairs (“OHA”)
- Group of charter school leaders, including Ipo Torio-Ka‘uhane, Gene Zarro, Charlene Hoe, Taffi Wise, Hedy Sullivan, Steve Hiramaki, and John Thatcher (“Torio-Ka‘uhane et al”)

## General Comments

General Comment 1: Include criteria addressing “local conditions” and/or supporting Hawaiian culture-based educational programs.

- **‘Aha Pūnana Leo:** *The ‘Aha Pūnana Leo submitted testimony in February 2016 in support of administrative rules for charter school authorizers. Our testimony supported the application of locally as well as nationally recognized principles and standards for quality charter authorizing in assessing performance. The draft does not contain any principles and standards that reflect our unique status or the local conditions and best practices. We support expanding to include Hawai‘i’s own culture and knowledge systems. Again, the National Association of Charter School Authorizers Principles & Standards for Quality Charter School is too narrow for our state with two official language systems. We suggest expanding language to include recognition of standards for international and indigenous language systems supported in the World Indigenous Higher Education Consortium (WINHEC) authority. The Native American Languages Act of 1990 is federal policy that also supports the suggestions we provide. In addition, Hawai‘i Revised Statutes 304A\_1301 established the Hawaiian language college and 302H establishes the Hawaiian Medium Education and 302L establishes the public pre-k education for children ready to enter kindergarten in either of Hawai‘i’s two official languages. Combined, these laws support the need to embrace a multiple authorizer administrative rules unique to Hawai‘i’s best practices.*
- **Kamehameha Schools:** *Ensure applicant authorizers have a clear understanding, experience in and commitment to local context and conditions that make public education in Hawai‘i unlike anywhere else. According to Board Policy 105.7: “Hawai[‘]i’s public education system should embody Hawaiian values, language, culture and history as a foundation to prepare students in grades K-12 for success in college, career and communities, locally and globally. Hawaiian language, culture, and history should be an integral part of Hawai[‘]i’s education standards for all students in grades K-12.” In 2011, the National Association of Charter School Authorizers*

(NACSA) shared a memorandum with Hawai'i's Charter School Governance, Accountability and Authority Task Force, which states that "a good authorizer can and should accommodate schools with unique missions." In particular, the presence of Hawaiian culture and language charter schools "falls squarely within the charter philosophy." The proposed system does not recognize Hawai'i's unique educational context and conditions identified in Board Policies 105.7 Hawaiian Education and 105.8 Ka Papahana Kaiapuni and the State Constitution, nor experience operating in Hawai'i. We recommend building such criteria into the Hawai'i Authorizer Performance Evaluation System (HAPES).

- **Kamehameha Schools:** Hawai'i Charter Schools as "state agencies." We support the use of NASCA Principles and Standards for Quality, where applicable, given Hawai'i's chartering laws and policies. Hawai'i's charter school system implementation, however, is not like most chartering systems nationwide. In Hawai'i, charter schools are state agencies and as a result, must follow a unique set of standards and rules, such as, but not limited to: Collective Bargaining, Procurement, Legal Guidance, No Debt Services, etc. This significant difference is not considered in NACSA Principles.
- **KHUOK:** We support the application of locally as well as nationally recognized principles and standards for quality charter authorizing in assessing performance. However, the draft does not contain any principles and standards that reflect our unique status or the local conditions and best practices. We find the National Association of Charter School Authorizers Principles & Standards for Quality Charter School is too narrow for our state with two official language systems and recommend expanding the principles and standards to include Hawai'i's own culture, language and knowledge systems.
- **KHUOK:** We suggest expanding language to embrace a multiple authorizer administrative rules that reflect best practices unique to Hawai'i and include standards for international and indigenous language systems supported in the World Indigenous Higher Education Consortium (WINHEC) authority. The Native American Languages Act of 1990 is federal policy that also supports the suggestions we provide. In addition, Hawai'i Revised Statutes 304A\_1301 established the Hawaiian language college and 302H establishes the Hawaiian Medium Education and 302L establishes the public pre-k education for children ready to enter kindergarten in either of Hawai'i's two official languages.
- **OHA:** The Board should include criteria specifically addressing potential and future charter school authorizers' understanding of the "local conditions" of Hawai'i in all of its draft authorizer documents, consistent with language found in the recently promulgated administrative rules for multiple charter school authorizers. HAR §8-515-5(b) requires the Board to develop criteria for evaluating applications for chartering authority based on nationally recognized principles and standards for quality charter authorizing, as applicable to "local conditions." HAR §8-515-10 (a) similarly requires the Board to develop a performance evaluation system based on nationally recognized principles and standards for quality charter authorizing, as applicable to "local conditions." These provisions were included as a response to requests made during the preliminary comment period on the draft administrative rules, and reflect the Board's intent to "recognize that national principles and standards for quality charter authorizing should only be applied understanding the local conditions," as well as its acknowledgement of "the importance of conducting authorizing in a manner appropriate to Hawai'i." Accordingly, OHA respectfully recommends that the Board ensure that all draft authorizer documents consistently reflect the

*need for potential and future authorizers to understand “local conditions” as envisioned under the Board’s administrative rules.*

- **OHA:** *Support for Hawaiian culture-based education is critically important to Native Hawaiian educational outcomes, especially in the State’s charter schools: as mentioned previously, almost half of Hawai’i public charter schools, 17 out of 37, are Hawaiian culture-based or Hawaiian language-medium schools, the substantial majority of which were established almost 20 years ago, to offer families learning environments that emphasize Hawaiian language, culture, and values. The founders, leaders, teachers, and families of these schools recognize that culturally enriched education is a pathway to improving Native Hawaiian students’ educational outcomes and overall well-being. Notably, research shows that Hawaiian culture-based education (HCBE) is positively associated with students’ socio-emotional outcomes, which in turn support educational and lifelong achievements; students in HCBE-enriched classrooms have also been found to have greater connections to community, a greater sense of belonging, deeper cultural affiliations, increased self-efficacy, and more pronounced college aspirations. The Board itself has acknowledged the value of a Native Hawaiian culturally enriched education, supported by Article X, Section 4 of the State Constitution, which requires the State to provide for a Hawaiian education program in public schools: Board Policy 105-7 (Hawaiian Education) explicitly recognizes that “Hawai’i’s public education should embody Hawaiian values, language, culture and history as a foundation to prepare students in grades K-12 for success in college, career and communities, locally and globally. Hawaiian language, culture, and history should be an integral part of Hawai’i’s education standards for all students in grades K-12,” and Board Policy 105-8 (Ka Papahana Kaiapuni) further provides that the Kaiapuni Educational Program offers students an education in the medium of the Hawaiian language, and that the program’s goals shall be to “provide parents and students a Hawaiian bicultural and bilingual education based upon a rigorous Hawaiian content and context curriculum.” However, despite the important role of our public charter schools in supporting Hawaiian culture-based and language-medium education, OHA respectfully notes that the draft Hawai’i Authorizer Performance Evaluation System (HAPES), the draft authorizer application, and the draft contract for chartering authority, all lack criteria that would ensure the explicit consideration of this unique and critically important local context.*

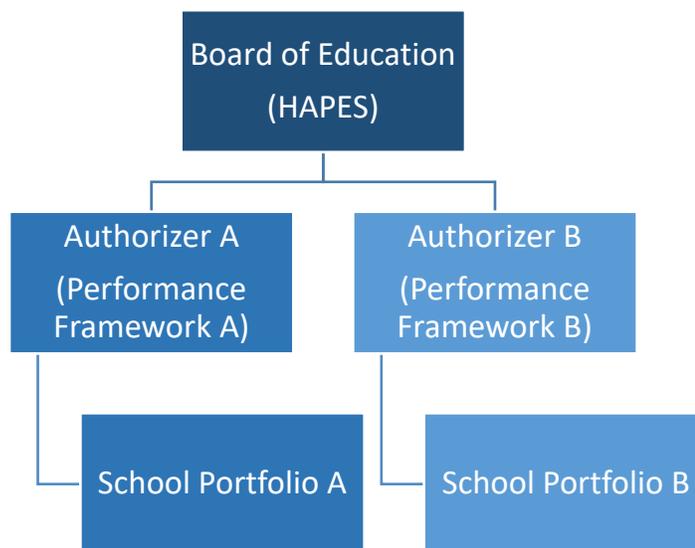
**Response:** While the comments regarding criteria for “local conditions” and Hawaiian culture-based educational programs are related, this response will separate them into two different points and address them accordingly. Fundamentally, the Board’s intent is to create as large of a “sandbox” as possible for authorizers so there are as few limitations as possible on the different kinds of educational programs that authorizers can authorize and charter schools can create.

First, in regards to Hawaiian culture-based educational programs, there appears to be a need to clarify the various levels of oversight in the charter school system, particularly as they relate to performance standards and evaluations. Authorizers have their own performance frameworks that they use to set standards and measure outcomes for the academic, financial, and organizational performance of the charter schools within their respective portfolios. Similarly, the Board has a performance framework (*i.e.*, HAPES) to set standards for and measure the performance of authorizers. The two levels of oversight focus on different things. HAPES focuses on authorizing practices and organizational capacity and infrastructure while authorizer performance frameworks focus on academic, financial, and

organizational outcomes of schools. It is the responsibility of authorizers to hold charter schools accountable to school performance outcomes, and it is the Board’s responsibility to hold authorizers accountable for *how* they hold schools accountable to those outcomes.

Consequently, HAPES does not require authorizers to use any specific type of performance standards or outcomes to hold their respective portfolio schools accountable. The opposite is true, as authorizers are free to construct their performance frameworks to best meet their respective missions, visions, and organizational goals.

Instead of being in HAPES, an authorizer’s performance framework is the most appropriate place for criteria or standards that address and support Hawaiian culture-based and/or language-medium educational programs, provided that it meets the authorizer’s mission, vision, and organizational goals. The example and chart below illustrate this point further.



In this example, there are two authorizers with unique missions and visions. Authorizer A seeks to authorize charter schools that address the education needs of the community through Hawaiian culture-based and/or language-medium educational programs while Authorizer B seeks to authorize charter schools that address the science, technology, engineering, and mathematics (“STEM”) education needs of the community, specifically, through STEM-based educational models. Both authorizers should design their respective performance frameworks to meet their missions. Therefore, Authorizer A may include standards or measures that recognize or incorporate the standards for international and indigenous language systems supported in the World Indigenous Higher Education Consortium authority, as suggested by ‘Aha Pūnana Leo and KHUOK. However, Authorizer B would likely not include those same standards in its performance framework, as they do not clearly support its mission and vision.

A charter school could choose to be under the authorizer (if the authorizer agrees) whose mission, vision, and performance framework align most closely to the school’s mission, vision, and educational program. For example, a charter school who provides instruction through a Hawaiian language medium could transfer to School Portfolio A, as the school’s educational program would align well with Authorizer A’s performance framework. It would make less sense for the school to transfer to School Portfolio B assuming STEM education was less of a focus for the school. That is not to say, however, that

schools within Portfolio B could not have Hawaiian culture-based educational programs. For example, a charter school whose educational program focuses on Hawaiian culture-based STEM education may decide it being measured by Performance Framework B aligns better with its mission and vision than being measured by Performance Framework A, in which case the school should seek to be within School Portfolio B, provided that Authorizer B agrees. Authorizer B would use its performance framework to measure the school's performance and would not be obligated to change its performance framework to include standards for Hawaiian culture-based educational programs.

Second, in regards to including criteria for local conditions, the standards and criteria in HAPES and the application for chartering authority attempt to give authorizers as much flexibility as possible in designing their authorizing programs by limiting the requirements to only those expressed in law and national principles and standards. Most national standards are broad and general enough to be applicable to Hawaii's local conditions. However, the points made by Kamehameha Schools and OHA about authorizers needing to understand local conditions are well taken. In particular, it is critical for authorizers to understand Hawaii's unique legal requirements, including the existence of two official state languages, applicability of collective bargaining, Board policies applicable to charter schools, and implications of Hawaii charter schools being state agencies rather than nonprofit organizations as is common in most other locales across the nation.

If applied correctly, the proposed standards and criteria would already assess whether authorizers and applicants for chartering authority possess this understanding, but clarifying the standards and criteria further will ensure their proper application. As such, several revisions were made to address the concerns expressed.

**Resulting Revisions:** The revisions to clarify that authorizers and applicants for chartering authority must possess understanding of local conditions, particularly Hawaii's legal requirements, include:

- Changing the definition of "essential authorizing areas" under the "Authorizer Leadership and Staff Expertise" measure and standard in both HAPES and the application for chartering authority to include "federal, state, and county law and Board policies." Through this clarification, HAPES and the application for chartering authority require authorizing staff to have experience, expertise, and skills, and therefore understanding of, the laws and policies applicable to charter schools.
- Adding references to some applicable laws and Board policies in the Statement of Assurances in the application for chartering authority. The added language highlights some of the unique features in Hawaii's legal framework and ensures eligible entities who are interested in become authorizers are aware of these features before ever developing a plan for authorizing.
- Changed Standards C.2 and C.7 in the application for chartering authority to include compliance with Board policies. The added language clarifies that an authorizer applicant should have processes designed to hold charter schools accountable to applicable Board policies, such as those related to Hawaiian education and graduation requirements. This is simply a clarification, as law requires all charter schools to comply with "all [B]oard policies deemed applicable to charter schools by the [B]oard," pursuant to Sections 302D-16 and 302D-1 (see definition of "organizational viability").
- Changed Performance Measure A.9 in HAPES to require compliance with applicable Board policies in addition to applicable laws. The added language clarifies that the Board holds

authorizers accountable to Board policies applicable to charter schools through the performance evaluation system.

General Comment 2: Multiple Hawaiian culture-focused charter school authorizers are needed.

- **Kanaeokana:** *Given that 17 of the 37 public charter schools in Hawai'i identify themselves as Hawaiian-focused, we strongly believe that several authorizers with Hawaiian education as their distinct capability will be needed to accommodate the diversity and sheer number of HFCSs that currently exist.*

**Response:** The contemplated system does not prohibit multiple Hawaiian culture-focused authorizers from existing.

**Resulting Revisions:** None.

General Comment 3: Authorizers should maintain small portfolios of charter schools.

- **Kanaeokana:** *We support the concept that an effective authorizer maintain a small portfolio of schools that are manageable and commensurate with their capacity to govern which will allow them to provide the highest level of service and oversight to their portfolio schools.*

**Response:** Law does not mandate the size of an authorizer's portfolio, and national standards and best practices do not consider portfolio size an indicator of authorizer quality; rather, authorizers should have dedicated resources sufficient to oversee its portfolio of schools. Performance Measure A.5 (Structure of Operations) and Performance Measure A.8 (Authorizing Operational Budget) require authorizer staffing and resources sufficient to fulfill the authorizing responsibilities for the scale of the portfolio. Additionally, portfolio size is a material term of the authorizing contract; thus, if an authorizer would like to expand its portfolio beyond its contractual limit, the authorizer would need to seek approval from the Board for a contract amendment and demonstrate an adequate plan for effectively overseeing a larger portfolio.

**Resulting Revisions:** None.

General Comment 4: Hawaiian culture-focused charter school authorizer should have specific qualifications.

- **Kanaeokana:** *Kanaeokana feels strongly that any organization that seeks to become a Hawaiian focused charter authorizer must possess or demonstrate the following qualifications:*
  - *Have a successful record as an educational organization that serves Native Hawaiian learners.*
  - *Have a successful record of creating and implementing programs of Hawaiian education and learning.*
  - *Reflect Kanaka Maoli values, language, culture and practices.*
  - *Have knowledge and expertise in pedagogy, curriculum, instruction and assessments grounded in Hawaiian culture-based education.*

**Response:** The suggested qualifications for a Hawaiian culture-focused authorizer are good ones that the Board could consider if it receives an application for such an authorizer. However, it is not possible or advisable to develop and include in the application for chartering authority special qualifications for

every specific type of authorizer. Therefore, the application for chartering authority should exclude any qualifications specific to a certain type of authorizer.

**Resulting Revisions:** None.

General Comment 5: Align weighting of performance measures to the priorities of the State Public Charter School Commission.

- **NACSA:** *Throughout the framework, the weighting schema employed (based on the number of possible points in each section) does not clearly align with the priorities of the Hawaii State Public Charter School Commission. Some indicators carry such minor point value (0-3 points) that even exemplary performance in that area would be of minimal impact on the authorizer’s overall rating. This may also unintentionally suggest that such measures (such as Authorizer Mission, Pre-Opening Process, and Approval Criteria, among others) are not critical or valued.*

**Response:** It is not clear why the performance measure score weighting in HAPES needs to align with the priorities of the Commission when it is the Board’s responsibility to determine how to hold authorizers, the Commission being one of them, accountable for their performance.

The weighting system in HAPES evenly distributes points between the two main areas of organizational capacity and infrastructure and authorizing practices and further evenly distributes points between the authorizing practices areas of application process and decision-making, performance contracting, ongoing oversight and evaluation, and revocation and renewal decision-making. As is inevitable in any weighting system, some measures have low point values relative to other measures. While true that achieving a rating of “exemplary” in the low-point measures does little to increase an authorizer’s overall rating, these measures are still both critical and valued, as an authorizer cannot achieve an overall rating of “satisfactory” by completely discounting the importance of any particular measure.

For example, if an authorizer were to ignore it and forgo having a mission, that authorizer would not only receive a rating of “unsatisfactory” for that measure, but the authorizer would not be able to receive a rating higher than “needs improvement” even if it received a rating of at least “satisfactory” on every other measure in HAPES. While Performance Measure A.1 (Authorizer Mission) has a low point value, the requirements an authorizer needs to meet to get an overall rating of “satisfactory” ensures the importance of all performance measures. To receive an overall rating of “satisfactory,” not only must an authorizer meet the necessary point total, the authorizer also cannot receive a rating of “unsatisfactory” on any performance measure.

**Resulting Revisions:** None.

General Comment 6: Clarify how external verification affects ratings.

- **NACSA:** *While external verification through the use of survey tools, interviews, site visits, and other types of observation is a solid practice that incorporates the views and feedback of stakeholders, HAPES does not articulate how mixed, limited, and/or contradictory external evidence would affect ratings. In the case of the latter, defaulting to a “satisfactory” rating may not be appropriate.*

**Response:** No measure within HAPES requires external verification to receive a rating of “satisfactory”; only “exemplary” ratings include external verification requirements. Even so, in order for external

verification to be reliable, it must be consistent, and most measures with an external verification requirement make that clear, although some measures were missing the word “consistent” in reference to external verification. Any external feedback that is mixed or contradictory is, by its nature, not consistent, and therefore the authorizer could not achieve a rating of “exemplary” for the respective measure. If external responses are limited, the Board may want to seek more responses to have reliable data to make a judgement, and the definition of “external verification” (page 4) can be revised to reflect this.

**Resulting Revisions:** All measures with an external verification requirement for the “exemplary” rating require the external verification to be “consistent” (the specifications in some measures were missing this language). The definition of “external verification” (page 4) is revised to ensure the Board can seek more responses if responses from external interviews are limited.

General Comment 7: Funding is needed for additional authorizers.

- ***‘Aha Pūnana Leo:*** *We want to work with the Board of Education in advocating to amend the charter school law as there are no dedicated funding for authorizers.*
- ***Kamehameha Schools:*** *According to NASCA (2009), “State charter school policy should provide for adequate authorizer funding as an essential element of the charter school infrastructure.” Without funding, the interest of potential new authorizers is deterred and approved authorizers will lack capacity to accomplish quality authorizing and oversight. The responsibilities outlined in HRS §302D-5, Authorizer powers, duties and liabilities, cannot be carried out without dedicated funding. Some examples of current policies limiting funding options include restricting new authorizers from assessing a fee from charter schools and not providing state funding beyond the current Charter Commission. We recommend the Board seek changes in public policy to ensure sufficient funding options are available to enable quality authorizing.*
- ***KHUOK:*** *We graciously offer our support and assistance to work with the Board of Education in advocating to amend the charter school law as there are no dedicated funding for authorizers.*
- ***OHA:*** *Section 302D-3(j), HRS, provides the Hawai‘i State Public Charter School Commission with dedicated funding for its operations and staff. However, no such dedicated funding is provided for any additional public charter school authorizer. Given the extensive responsibilities of public charter school authorizers, particularly in ensuring that charter schools in their portfolio meet organizational, academic, and financial performance measures required by Chapter 302D, HRS, OHA encourages the Board to consider taking proactive steps to ensure that any future authorizers are provided with sufficient operational and staff support.*

**Response:** The documents implementing the multiple authorizer system reflect the current funding environment. Funding for authorizers is a separate issue that these documents cannot address but the Board and Legislature should consider, and the Board could mention the issue in its annual report as one to examine further.

Nationally, funding structures for authorizers generally fall into three categories: (1) budget allocations from authorizers’ parent organizations, (2) state budget appropriations, or (3) fees from authorized charter schools.<sup>1</sup> The first option does not require a statutory change but makes it difficult for another

---

<sup>1</sup> National Association of Charter School Authorizers. “Charter School Authorizer Funding,” July 2009. Access March 18, 2019 at <https://files.eric.ed.gov/fulltext/ED544285.pdf>.

authorizer to exist. The second option can be done year to year without a statutory change through line-item state funding or grants-in-aid, but it would be more ideal to have statutory language putting other authorizers on equal footing as the Commission in terms of source of funding. The third option would require a statutory change, but it has more significant systemic downsides than the other two options, including placing financial burden on charter schools within those authorizers' portfolios and incentivizing authorizers to approve or keep open charter schools that should not be operating. A hybrid model combining different structures is also an option, but the major stakeholders should analyze and discuss any approach to funding for authorizers before taking action to change policy.

**Resulting Revisions:** None.

General Comment 8: Decouple the State Educational Agency ("SEA") and Local Educational Agency ("LEA").

- **Kamehameha Schools:** *The Board should consider decoupling the SEA/LEA to improve charter autonomy and to uphold the "charter bargain" it promotes on page 3 of the application. An authorizer fits the definition of a Local Education Agency (e-CFR Title 34, Education). Such designation would improve an authorizer's ability to accomplish the intent of Hawai'i's Charter School System by increasing autonomy to meet federal requirements that meet their authorizing mission.*

**Response:** The documents implementing the multiple authorizer system reflect the current SEA/LEA structure. The SEA/LEA structure is a separate issue that these documents cannot address but the Board could consider, and the Board could mention the issue in its annual report as one to examine further. A major structural shift in how the State interacts with the U.S. Department of Education and complies with federal law requires discussions with the Governor, Legislature, and Hawaii's congressional delegation.

**Resulting Revisions:** None.

## **Specific Comments**

Hawaii Performance Authorizing Evaluation System

**OHA:** *OHA recommends amending entries under C.1 and C.2 in the table for Performance Measures C: Performance Contracting, on pages 28 and 29, to read as follows:*

*(C.1. Specifications)*

*"Specific Data Sources*

- *Performance Evaluation Response Form:*
  - *Brief narrative response addressing guiding question and evidence*
  - *Current charter contract template*
- *Interviews, surveys, site visits, and independent observations including with respect to:*
  - *Adequate facilitation and support of Hawaiian Education ('ike Hawai'i) programming, as applicable*
  - *Adequate facilitation and support of Ka Papahana Kaiapuni and 'ōlelo Hawai'i programming, as applicable"*

(C.2 Specifications)

*“Specific Data Sources*

- *Performance Evaluation Response Form:*
  - *Brief narrative response addressing guiding question and evidence*
  - *Performance framework for school academic, financial, organizational and operational performance standards as contained in the current charter contract template*
- *Interviews, surveys, site visits, and independent observations including with respect to:*
  - *Adequate facilitation and support of Hawaiian Education (‘ike Hawai‘i) programming, as applicable*
  - *Adequate facilitation and support of Ka Papahana Kaiapuni and ‘ōlelo Hawai‘i programming, as applicable”*

**Response:** OHA’s specific amendments are in reference to the comments it made under General Comment 1. The response and resulting revisions under General Comment 1 should appropriately address OHA’s comments.

**Resulting Revisions:** None.

**NACSA:** A.2: *Consider incorporating the term ‘ambitious’ into the Satisfactory rating, rather than only in Exemplary.*

**Response:** The national standards set by NACSA do not include “ambitious” goals for authorizers, only “clear” and “stated” goals. Ambitious organizational goals goes beyond national standards, which is why HAPES considers them an “exemplary” practice.

**Resulting Revisions:** None.

**NACSA:** A.4: *Consider defining terms that may seem ambiguous to some readers in the Indicator Level Specifications sections. For example, “regularly” and “occasionally.” HSPCSC should consider articulating a minimally acceptable frequency for either or both definitions for the sake of clarity.*

**Response:** HAPES intentionally leaves the discretion to authorizers to determine frequency of self-evaluations and relies on evaluators to determine whether the frequency, as determined by the authorizer, was thoughtful and planned. In addition, it is not clear why the Commission would be involved in defining a minimally acceptable frequency.

**Resulting Revisions:** None.

**NACSA:** A.5: *At many authorizing offices nationwide, staffing levels do not keep pace with portfolio growth for financial reasons. In light of this, consider revising language from “understanding” structure to “effectively leveraging” structure.*

**Response:** This comment is unclear. It appears the comment suggests changing one of the “exemplary” indicators to “Effectively leveraging the structure of duties and responsibilities is verified internally at authorizing organization,” which is unclear and confusing.

**Resulting Revisions:** None.

**NACSA: C.2:** *As this is the primary indicator that would indirectly measure charter school portfolio performance as part of the HAPES process, consider strengthening language to include a reference to “rigorous” performance expectations.*

**Response:** The national standards set by NACSA do not include “rigorous” performance standards for authorizers, only performance standards that are “clear, measurable, and attainable.” Because it would be going beyond national standards, the “exemplary” indicators could require rigorous performance standards under Performance Measure C.2.

**Resulting Revisions:** Performance Measure C.2 (Charter School Performance Standards) added an indicator under the Level 3 indicators requiring standards in performance frameworks to be rigorous.

*Note: See specific comments on HAPES from Torio-Ka’uhane et al in the attached table and responses in green.*

#### Application for Chartering Authority

**OHA:** *OHA recommends amending page 7 relating to the Evaluation Team’s rating scale to read as follows: “The response reflects a thorough understanding of key issues. It addresses the topic with specific and accurate information that shows thorough preparation; presents a clear, realistic picture of how the proposed authorizer expects to operate; demonstrates an understanding of the benefits, goals, and challenges of Hawaiian Education (‘ike Hawai‘i), Ka Papahana Kaiapuni and ‘ōlelo Hawai‘i programming, as applicable; and inspires confidence in the applicant’s capacity to carry out the plan effectively.”*

**Response:** OHA’s specific amendments are in reference to the comments it made under General Comment 1. The response and resulting revisions under General Comment 1 should appropriately address OHA’s comments.

**Resulting Revisions:** None.

**OHA:** *OHA recommends amending page 1 of the Application Instructions to read as follows:*

*“Standard A. 1: Authorizer Mission (HAPES Performance Measure A. 1)*

*The Applicant has a clear and compelling mission for charter school authorizing that aligns with, supports, and advances the intent of law and purpose of charter schools.*

*Approval Criteria. A satisfactory response:*

- *Identifies the Applicant’s clear and compelling mission;*
- *Clearly describes how the mission aligns with, supports, and advances the intent of Hawaii Revised Statutes (“HRS”) Chapter 302D and the purpose of charter schools pursuant to Board Policy;*
- *Demonstrates an understanding of the benefits, goals, and needs of Hawaiian Education (‘ike Hawai‘i) Ka Papahana Kaiapuni, and ‘ōlelo Hawai‘i programming, as applicable.”*

**Response:** OHA’s specific amendments are in reference to the comments it made under General Comment 1. The response and resulting revisions under General Comment 1 should appropriately address OHA’s comments.

**Resulting Revisions:** None.

**Kamehameha Schools:** Page 3: Consider expanding the eligibility of a governing board of a non-profit or charitable organization to include “statewide, regional, or local chartering authority,” to align with state and county agencies. Regional or local chartering may be a more reasonable option for non-profits.

**Response:** Section 302D-4, Hawaii Revised Statutes (“HRS”), and Section 8-515-7, Hawaii Administrative Rules (“HAR”), allow governing boards of nonprofit or charitable organizations to have only statewide chartering authority; therefore, it is not possible to expand eligibility without a change in law first.

**Resulting Revisions:** None.

**Kamehameha Schools:** Page 5: Public Forum. Consider holding public forums in relative regions and/or local communities where the actual applicant is seeking chartering authority. Secondly, consider two public forums for statewide applications, with at least one neighbor island forum. Applicants should have an understanding of and prepare for a future relationship with the community in which they intend to authorize a charter school.

**Response:** The Board should consider this suggestion for applicants on a case-by-case basis but not codify it in the application for chartering authority. There may be circumstances that might make holding a public forum in specific community difficult or not possible, such as limited resources. It is important to note that the purpose of the public forum is to provide an opportunity for the public to comment on applications for chartering authority, not for applicants to develop an understanding of and prepare for a future relationship with the community, as the applicant should have done that before applying. Further, the public will have the opportunity to provide written comments without having to attend the public forum in person.

**Resulting Revisions:** None.

*Note: See specific comments on the application for chartering authority from Torio-Ka’uhane et al in the attached table and responses in green.*

#### Authorizing Contract

**OHA:** OHA recommends amending item 4 on page 3 to read as follows:

*“4. Chartering Authority. The Authorizer shall exercise its chartering authority only within the jurisdiction defined by the chartering authority jurisdiction in Exhibit A to this Contract. The Authorizer shall execute its essential powers and duties, pursuant to Section 302D-5, HRS, in accordance with national principles and standards for quality charter authorizing, as applicable to local conditions including but not limited to the goals of providing Hawaiian bicultural and bilingual education, pursuant to Section 302D-6, HRS and with the spirit and intent of Chapter 302D, HRS, and Board of Education Policies 105-7 (Hawaiian Education) and 105-8 (Ka Papahana Kaiapuni), as applicable.”*

**Response:** OHA’s specific amendments are in reference to the comments it made under General Comment 1. The response and resulting revisions under General Comment 1 should appropriately address OHA’s comments.

**Resulting Revisions:** None.

**Kamehameha Schools:** Page 3: 6. New Charter Schools. Consider adding language that would require the authorizer to also notify the Charter Commission and other authorizers within the same 3 business-day period. The intent is to ensure consistency in communication.

**Response:** The sharing of information between authorizers regarding new schools opening and existing schools closing is important. The revised draft authorizing contract contains the suggested change as well as a similar change to the section covering school closures.

**Resulting Revisions:** Section 6 of the authorizing contract includes all other authorizers in the state as parties for notification, and Section 16.12 uses similar notification requirements upon the initiation of the authorizer’s closure protocol.

**Kamehameha Schools:** Page 7: 16.12 School Closure. Consider stating any obligation the authorizer has to hold/maintain records. Of particular concern are student files and transcripts that are often times needed decades after the student graduates.

**Response:** Records are important enough to include a specific provision in the contract, especially because no other policy exists regarding the records of a charter school that closes. The federal laws that clearly apply to school records are the Family Educational Rights and Privacy Act of 1974 (“FERPA”) and the Individuals with Disabilities Education Act (“IDEA”). The Department of Accounting and General Services (“DAGS”) is responsible for maintaining a general records schedule for the retention and disposition of government records, including for public schools. The contract can specifically reference each of these as well as any other applicable laws, rules, regulations, and guidelines.

**Resulting Revisions:** Section 16.12 of the authorizing contract includes a provision requiring authorizers to retain and maintain records that the closed school was required to retain and maintain in accordance with FERPA, IDEA, DAGS’s general records schedule, and any other applicable laws, rules, regulations, and guidelines.

*Note: See specific comments on the authorizing contract from Torio-Ka’uhane et al in the attachment and responses in green.*

## **Comments from the Department of Education**

*Authorizers should ensure:*

- *communication protocols with charter schools are agreed upon in writing;*
- *administrative functions are memorialized in clear and strong language as to adherence to SEA and LEA obligations for federal Title programs delegated to the HDOE by the BOE*

*Strongly Recommend:*

- *Consideration for the impact of processes on DOE staff in meeting the needs of multiple authorizers and consider using the Commission to execute centralized functions for operations of charter schools.*

*Recommend:*

- *MOAs/MOUs between the BOE and authorizers*

- *MOAs/MOUs between the DOE and authorizers, and continuation of MOAs/MOUs between the Commission and DOE.*
  - *Prior to selection of authorizers, if any contracts need to be executed between the DOE and authorizers for certain functions that this determination is communicated to the DOE in a timely manner. DOE will require ample time to research and draft contract language.*
- *Any operational functions by the DOE involving fund transfers, payroll processing, funds monitoring, etc., are clearly outlined and processes agreed upon between the parties prior to the distribution of any funds to authorizers. This includes DOE actions and sanctions for failure of parties (authorizer or charter schools under the authorizer's purview) to adhere to agreements.*

**Response:** Most of these comments are operational details that are not appropriate for the draft documents implementing the multiple authorizer system. The Board, Department, and authorizers can address many of the concerns raised in the Department's comments either during a newly approved authorizer's pre-contract phase or during the operations of its first year, as necessary.

The Board's Student Achievement Committee already recognized that multiple authorizers could place an administrative burden on the Department, which is part of the reason it tasked Board staff with examining solutions for the lack of centralized support for charter schools. An organizational structure that includes sufficient centralized support for charter schools would benefit charter schools, authorizers, and the Department.<sup>2</sup>

**Resulting Revisions:** None

### **Additional clarifying questions to consider for implementation (Kamehameha Schools)**

1. Has the Board considered what changes it would make to improve the current system?

**Response:** As mentioned in the response to the comments from the Department, the Board's Student Achievement Committee understands that some kind of centralized support structure for charter schools is necessary to improve both the current system and one that has more than one authorizer. Board staff are still researching potential solutions.

2. How will the Board migrate the current Charter Commission to the HAPES?

**Response:** The evaluation process and measures within HAPES are share similarities to those the Board used in its special review of the Commission, and in fact, the Board considers the special review the first evaluation of the Commission. Pursuant to Section 8-515-11, the Board is to conduct a performance evaluation of each authorizer no less than every five years, which would be February 2022 for the Commission if calculated from the issuance of the Board's special review report in February 2017.

HAPES will be applicable to the Commission upon adoption by the Board. The only piece of it that the Board will need to specially modify for the Commission are the overall rating outcomes, as the

---

<sup>2</sup> Student Achievement Committee Chairperson Margaret Cox's memorandum dated April 5, 2018, explains the structural issues in more detail. The memorandum is available here: [http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/SAC\\_20180405\\_Action%20on%20charter%20school%20support%20structure.pdf](http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/SAC_20180405_Action%20on%20charter%20school%20support%20structure.pdf).

Commission does not have a renewable or revocable authorizing contract because it is statutorily created.

3. What is the expected relationship between authorizers and how will the Board manage those relationships?

**Response:** While each authorizer has its own mission and vision, the Board expects all authorizers to fulfill the same purpose as determined by the spirit and intent of Chapter 302D, HRS, and a Board policy on the purpose of charter schools that the Board will adopt. Outside of the unifying purpose, authorizers operate autonomously, similarly to individual charter schools.

The Board has high-level oversight authority over authorizers in the form of performance evaluations, but no laws or policies contemplate the Board having additional oversight authority, such as monitoring of authorizers, which is appropriate. Lacking monitoring authority, the Board's ability to manage authorizer relationships is somewhat limited should conflict arise between authorizers.

To address this, the authorizing contract can include a provision that ensures the Board has inquiry powers. The ability to require authorizers to provide requested information allows the Board to investigate issues before and after they result in conflict between authorizers, and if the Board finds the issues are systemic, the Board can take action address them.

4. To what extent must authorizers follow state education requirements?

**Response:** It is unclear to what "state education requirements" refers. Authorizers and the charter schools within their portfolios must follow all applicable state and federal laws, including the Every Student Succeeds Act.

5. How will the Board address charter schools that move from one authorizer to the next, inclusive of related funding?

**Response:** The development of the charter contract transfer process, pursuant to Chapter 8-517, HAR, is part of a different phase of implementation of the multiple authorizer system. Regarding transferring funds with a transferring charter school, the Board once considered adding a provision to Section 8-517-3, HAR. The provision would have required the transfer of "any and all outstanding funds being held by the current authorizer to which the charter school is entitled or due [to] be transferred to the new authorizer in a timely manner as determined by the [B]oard." However, the Board deleted the added provision to expedite the adoption of the administrative rules.<sup>3</sup> The Board could consider amending the administrative rules to include a similar provision.

---

<sup>3</sup> For more information, see Board Chairperson Lance Mizumoto's memorandum dated January 10, 2017, available here: [http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM\\_20170110\\_Action%20on%20authorizer%20administrative%20rules.pdf](http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20170110_Action%20on%20authorizer%20administrative%20rules.pdf).

**Torio-Ka'uhane et al Comments**  
(Application for Chartering Authority and HAPES)

<b>Application</b>	
Strategic Plan	<p>A strategic plan should not be required as part of the application process. It makes more sense for the Authorizer to develop a strategic plan after it has had time to understand the strengths and growth areas of its portfolio of schools. You cannot create plan for what you don't know. However, the authorizer could develop a strategic vision or approach for the first 1-2 years.</p> <p><b>Response:</b> The criteria in the application focus on a comprehensive long-term strategic vision and organizational goals to achieve that vision. An authorizer should understand its own vision for authorizing and know its goals before ever building its portfolio of charter schools. Requiring the authorizer to develop a strategic plan and vision beforehand also helps charter schools understand the authorizer's priorities so they can make decisions about which authorizer best fits each school's mission and vision.</p> <p>The authorizer should be authorizing to address the needs of the community on which it would like to focus. Just as it is charter school best practice to create a vision before ever enrolling students, an authorizer should not wait until it has schools within its portfolio to create its vision. Before becoming an authorizer, an entity desiring to become an authorizer should do its due diligence to identify the educational needs of the community it would like to serve, select the needs on which it would like to focus (whether it is some or all of the needs it identified), and develop a vision, goals, and a plan to address those needs. While circumstances can and do change, thus necessitating the need to change goals and plans, the entity desiring to become an authorizer should demonstrate it has a comprehensive plan to address the current circumstances it presents.</p> <p><b>Resulting Revisions:</b> None</p>
Authorizer Funding	<p>Funding for the Authorizer is not clear. Will Authorizers receive a portion of what is currently funding the Commission? If Authorizers are expected to provide services to their schools then they have to be able to charge a fee or %. The way the application and contract reads, Authorizers are expected to fund themselves.</p> <p><b>Response:</b> There are no statutory provisions for funding for authorizers other than the Commission. As it stands, other authorizers will need either to fund themselves or request funding from the Legislature.</p> <p>See the response to General Comment 7. To reiterate, the issue of</p>

	<p>funding will need to be addressed separately, but the documents reflect the current environment.</p> <p><b>Resulting Revisions:</b> None</p>
Budget	<p>Clarification of funding needed to develop budget</p> <p><b>Response:</b> See comment above.</p> <p><b>Resulting Revisions:</b> None</p>
Language Concerns Page 2	<p>“charter bargain,” which provides charter schools with <b>relatively</b> more autonomy in exchange for <b>greater</b> accountability. <b>Consider deleting highlighted words.</b></p> <p><b>Response:</b> This comparative language helps clarify that charter schools are more autonomous and have greater accountability relative to other public schools. Deleting the highlighted words makes the comparison less clear and insinuates that other public schools are not accountable.</p> <p><b>Resulting Revisions:</b> None</p>
Language Concerns Page 5	<p>to afford members of the public an opportunity to provide comments on each application for chartering authority. While the Evaluation Team does not consider public comments in developing its recommendation, <b>Why is public comment not considered by the team but it is considered by the Board? Wouldn't this be a useful step for both the Board and Evaluation Team?</b></p> <p><b>Response:</b> Public comments could be useful to the Evaluation Team only to the extent that they relate to the approval criteria. Therefore, the process can change to allow the Evaluation Team to consider public comments for this purpose.</p> <p><b>Resulting Revisions:</b> The process changed to allow the Evaluation Team to consider public comments as they relate to the approval criteria.</p>
Evaluation Team Selection	<p>Consider giving the SAC chair the authority to appoint one or two team members, as opposed to all appointments made by the BOE chair.</p> <p><b>Response:</b> Discussions with a member of the Torio-Ka'uhane et al group clarified that this comment intends to provide the Board Chairperson with feedback from as many Board members as possible on possible evaluation team members without lengthening the application and evaluation process. While Sunshine Law provides</p>

	<p>some limits as to how such feedback could be gathered, Board staff could essentially serve as the repository for Board members’ input on evaluation team members and provide the Board Chairperson with the aggregated, summarized, anonymous feedback for consideration. In effect, the Board Chairperson would be consulting with all Board members, although the Board Chairperson would not know which Board members provided feedback.</p> <p><b>Resulting Revisions:</b> The process clarifies that the Board Chairperson may instruct Board staff to gather suggestions for evaluators from Board members.</p>
<p>Page 5, “Student Achievement Committee Meeting.”</p>	<p>Paragraph: Student Achievement Committee will hold a public meeting to consider the application</p> <p><i>COMMENT: Another opportunity in the process in which community input could be reviewed</i></p> <p><b>Response:</b> The Board and its committees always accept and consider public testimony on items up for decision-making. However, public input is better considered when received in advance, especially on complex topics such as specific applications for chartering authority, which is why the process includes, and emphasizes, an advanced opportunity for the public to provide comments on each application.</p> <p><b>Resulting Revisions:</b> None</p>
<p>Page 6, Evaluation Paragraph 1</p>	<p>“who ideally have expertise with authorizing or charter school operations at either the state or national levels”</p> <p><i>COMMENT: Initially, authorizer experience pool may be a small; emphasizing importance of including individuals with charter operations experience</i></p> <p><b>Response:</b> The comment about a limited pool of those with authorizer experience is noted. Leaving the language as is still allows for the recruitment of individuals with experience in charter school operations as well as those with authorizer experience.</p> <p><b>Resulting Revisions:</b> None</p>
<p>Page 7, Paragraph just above the Rating Table</p>	<p>“For the Evaluation Team to recommend approval, the application must meet the criteria in each of the main sections:”</p> <p><i>COMMENT: Would the Evaluation Team integrate the entire HAPES instrument in their review process? How would the following rubric be used? As an overall, one time indicator of the section? Or compiled based on the review of the individual components of each section?</i></p>

	<p><b>Response:</b> HAPES is not used for the evaluation of applications for chartering authority. HAPES is an evaluation system for existing authorizers on which the approval criteria in the application is based.</p> <p>The rating scale is used as guidance for each standard as well as the four main sections.</p> <p><b>Resulting Revisions:</b> None</p>
<p>Page 17, Statement of Assurances</p>	<p>first agreement under Paragraph 1: “policies”</p> <p><i>COMMENT: Insert "charter-related" policies as designated by the Board of Education. Not all policies apply to all public schools. The Board of Education does indicate as they so determine.</i></p> <p><b>Response:</b> The word “applicable” in that statement indicates that the assurance is only for Board policies that apply to charter schools.</p> <p><b>Resulting Revisions:</b> None</p>
<p>Page 19, Application Instructions. Part A</p>	<p>Organizational Plan. Standard A.1: Authorizer Mission: second bullet under Standard A.1: Authorizer Mission. Approval Criteria: “purpose of charter schools pursuant to Board Policy”.</p> <p><i>COMMENT: This phrase is used often in the draft documents. Is there a "purpose of charter schools pursuant to Board of Education Policy" that differs from the law? If yes, perhaps that should be referenced to ensure alignment?</i></p> <p><b>Response:</b> At the request of the Board, the Commission will be proposing a Board policy on the purpose of charter schools.</p> <p><b>Resulting Revisions:</b> None</p>
<p>Page 20,. Standard A.2: Strategic Vision and Organizational Goals.</p>	<p>4<sup>th</sup> and 5<sup>th</sup> bullets under Standard A.2: Approval Criteria: regarding “how the Applicant will evaluate its work against its strategic vision and organizational goals” and “ “implement plans for improvement”</p> <p><i>COMMENT: Suggest creating a unique Standard addressing "evaluation" and "implementation of plans" processes; may help emphasize the distinct between creating a plan and the actions of evaluation of these processes.</i></p> <p><b>Response:</b> Discussions with a member of the Torio-Ka’uhane et al group clarified that this comment recognizes that having a visionary plan and a process for assessing it are both important to the extent that each should have its own standard to avoid minimizing the importance of each.</p>

	<p>Many other standards, particularly those related to authorizing processes, combine several elements that could arguably stand on their own as separate standards. However, having a separate standard for every important element would create an unwieldy application (and an unwieldy authorizer performance evaluation system should the two align). The chosen standards balance the need to combine related elements while still highlighting distinct components.</p> <p><b>Resulting Revisions: None</b></p>
<p>Page 22,. Standard A.7: Compliance to Statutory Responsibilities</p>	<p>3<sup>rd</sup> bullet under Standard A.7: Approval Criteria: “ how the Applicant will adequately act as a point of contact between its portfolio of schools and the Department of Education</p> <p><i>COMMENT: This is an important function of the authorizer; and so too, is having a clear point of contact between its schools and any/all state and other entities from which the CSs are eligible to receive supports and/or to which they are required to report</i></p> <p><b>Response:</b> Charter schools having a clear point of contact for all necessary state entities is definitely important, but the law does not mandate that authorizers provide that function (this standard is about statutory responsibilities). This issue seems like it would be more adequately address through the centralized support structure the Board is examining.</p> <p><b>Resulting Revisions: None</b></p>
<p>Page 22. Part B: FINANCIAL PLAN</p>	<p>“Note: Statute does not expressly allow authorizers to charge charter schools fees for operating costs. The authorizing contract prohibits an authorizer from receiving payments from the charter schools within its portfolio of schools for anything other than services purchased by charter schools at their own discretion in accordance with HRS Section 302D-10. The authorizing contract further clarifies that an authorizer shall not charge charter schools within its portfolio of schools fees for any activities, functions, or operations required of authorizers by law. Further, statute does provide dedicated state resources to authorizers other than the State Public Charter School Commission.”</p> <p><i>COMMENT: Concern regarding the current status on this issue: no State financial allocation to authorizers recognizing their contribution for their implementation, oversight, and focus on continuous improvement within the charter school sector of the State's public school system. . . this approach is not best practice nationally. Additional authorizers will be expected to absorb cost of supporting the charter schools in their management as the Commission functions currently and is fully funded. Yet as authorizers take on the management of new, as well as existing</i></p>

	<p><i>charter schools, does the Commission remain fully funded?</i></p> <p><b>Response:</b> As mentioned in an above comment, funding structures for authorizers on the national level fall under three general categories. The authorizer funding issue should be acknowledged through this document development process but will ultimately need to be discussed and addressed separately and likely with the inclusion of the Legislature. This issue should not prevent the Board from adopting an application for chartering authority.</p> <p><b>Resulting Revisions:</b> None</p>
<p><b>Performance Evaluation (HAPES)</b></p>	
<p>Evaluation Team Make-up</p>	<p>At least one evaluator shall have educational expertise as related to authorizer mission and vision</p> <p><b>Response:</b> While it would likely be a benefit to have an evaluator with such expertise, it might be impractical in some situations. The Board Chairperson can consider this qualification when putting together the evaluation team, but it should not be a requirement.</p> <p><b>Resulting Revisions:</b> A desired, but not required, qualification for the evaluation team is included in both the application for chartering authority and HAPES. The added qualification is for expertise in educational program design or data analysis, particularly as it relates to the authorizer’s mission and vision, if possible.</p>
<p>Timeline Page 1 <a href="#">Revised Timetable</a></p>	<p>A general timeline of the main process activities is below. Exact dates and deadlines are subject to Board Chairperson approval. The timeline below is based on a regular performance evaluation that is conducted periodically (<b>projected schedule? Annually? Mid-contract? Other?</b>) <b>SEE Evaluation Process Table reorg doc</b> for suggested changes in layout; Language remains verbatim</p> <p><b>Response:</b> The suggested timeline layout is appreciated but could be confusing. The activities after the issuance of the performance evaluation report are not technically part of the performance evaluation process and are meant to illustrate how the performance evaluation process flows into the renewal application process, which the Board will need to develop later. This part of the timeline can be clarified.</p> <p>Regular performance evaluations are conducted no less than every five years, pursuant to HAR Section 8-515-11(e).</p>

	<p><b>Resulting Revisions:</b> A note on the activities after the issuance of the performance evaluation report clarifies that they are not part of the performance evaluation process.</p>
<p>Performance Evaluation Response Form, page 2  Language Concerns</p>	<p>Any missing or incomplete information will result in negative findings for the respective performance measures. (Would this be applied with the assumption of willful action and without inquiry with the authorizer?)</p> <p><b>Response:</b> Communication between the Board and authorizer regarding the evaluation process is important and should be regular. By the time the performance evaluation response form is due, the authorizer should be well aware of the information that is required and the deadlines by which it needs to submit. Due to the complexity of the evaluation process, it is important all parties meet the deadlines set in the timeline.</p> <p><b>Resulting Revisions:</b> None</p>
<p>Performance Evaluation Report, page 3</p>	<p>If the Board uses HAPES for a special review outside of the regular performance evaluation, the performance evaluation report can serve as the notice of noncompliance pursuant to HAR Sections 8-515-11(d) and 8-515-13. (Is there an example of what this might address?)</p> <p><b>Response:</b> There are certain circumstances that can trigger a special review, as described in HRS Section 302D-11(c), such as a pattern of well-founded complaints about the authorizer. A special review could result in findings of noncompliance, and the performance evaluation report produced by the special review could serve as the notice to the authorizer of such noncompliance. The authorizer would then be required to respond to the identified problems in the notice (i.e., performance evaluation report) with a corrective action plan within 30 days, pursuant to HAR Section 8-515-13(b).</p> <p><b>Resulting Revisions:</b> None</p>
<p>Roles and Responsibilities Board; page 3</p>	<p>In adopting HAPES, the Board authorizes an Evaluation Team, as selected by the Board Chairperson (in consultation with the Student Achievement Committee Chairperson), to conduct each regular authorizer performance evaluation. The Board Chairperson is responsible for setting the performance evaluation timeline (would/could this differ from that timeline detailed on page one? If yes, what factors would be used in setting the timeline?)</p> <p><b>Response:</b> No, the timeline is the same. The Board Chairperson has the discretion to fill in the details, as the timeline included is general with approximate dates.</p>

	<p><b>Resulting Revisions:</b> This clarification is added to the document.</p>
<p>Suggested Changes, page 3-4 Evaluation Team Selection</p> <p>Delete highlighted section and replace with language in blue</p>	<ul style="list-style-type: none"> <li>● At least one evaluator must have charter school authorizing expertise;</li> <li>● At least one evaluator must have expertise in finance, accounting, or a related field; and</li> <li>● While not required, it is desirable for at least one evaluator to have human resources human resources, legal, and/or public administration expertise.</li> <li>● All evaluators shall have expertise in one or more of the following areas related to charter schools: <ul style="list-style-type: none"> <li>○ Educational program design related to the authorizer’s proposed mission, vision, and preferred educational program framework</li> <li>○ Organizational aspects of authorizing and/or accreditation processes</li> <li>○ Operation aspects related finance, accounting, human resources, etc.</li> </ul> </li> </ul> <p><b>Response:</b> Authorizers do not have educational program frameworks, so it is unclear as to why expertise in educational program design is necessary. Further, authorizing processes are not the same as accreditation processes, as they have different focuses and serve different purposes. Still, it should be clear that the evaluation team as whole needs the required expertise. Further, the evaluation team selection process and criteria for the application for chartering authority and HAPES should be closer aligned.</p> <p><b>Resulting Revisions:</b> The evaluation team criteria in both the application for chartering authority and HAPES is clarified to ensure the evaluation team as a whole meets the required qualifications and to expand the desired qualifications.</p>
<p>Recommended changes to reflect foundation and improve organization flow</p>	<p>A.1: Authorizer Mission.</p> <p>A.2: Strategic Vision and Organizational Goals. – Based on the elements an authorizer must meet for “satisfactory” suggest creating two Measures:</p> <ul style="list-style-type: none"> <li>• one to evaluate the authorizer’s Mission and an articulated plan;</li> </ul> <p>A.3: Strategic Vision, Organizational Goals and Evaluation Process of Goal Attainment.</p> <ul style="list-style-type: none"> <li>• a second to evaluate authorizer process(es) to implement, measure, and evaluate progress/attainment toward mission/plan goals</li> </ul> <p>A.4: Structure of Operations. Move original A.5 to this position: Structure of Operations (to reflect level of</p>

importance within an organization – “Mission, Vision, Plan for leadership structure and responsibilities,. . .”) Capability to implement..”

A.5: **Authorizer Leadership and Staff Expertise**. Move A.6 to this position: Authorizer Leadership and Staff Expertise (to reflect level of importance within an organization – “Mission, Vision, Plan for leadership structure and responsibilities,. . . with capabilities to implement. . .”)

A.6: **Capacity and Skill Development of Leadership and Staff**. Move A.7 to this position: Capacity and Skill Development of Leadership and Staff (to reflect level of importance within an organization – commitment to continuous school improvement with PD for all staff for all levels of responsibility)

A.7: **Authorizing Operational Budget**. Move A.8 to this position: Authorizing Operational Budget

A.8: **Self-Evaluation of Capacity, Infrastructure, and Practices**. Move A.4 to this position: Self-Evaluation of Capacity, Infrastructure, and Practices

A.9: **Compliance to Statutory Responsibilities**.

A.10: **Established Key Operational Policies**. Move A.3: Operational Conflicts of Interest to this position but expand to include key foundational policies (e.g Board Bylaws, Operational Conflicts of Interest, procurement, standard of Ethics, ++)

**Response:** A previous response addresses a comment suggesting that the standard in the application for chartering authority regarding the authorizer’s strategic vision and organizational goals be split into two measures. The same response applies to this comment suggesting the measure regarding the authorizer’s strategic vision and organizational goals be split.

The operational conflicts of interest measure focuses on ensuring authorizers have policies and practices in place that define external relationships and lines of authority to protect their authorizing functions, especially decision making, from conflicts of interest and political influence, pursuant to national standards. National standards do not address other operational areas, such as procurement or ethics codes; however, statute might, depending on the authorizer’s legal status (e.g., state agency versus nonprofit organization). To address these items, the measure addressing compliance with statutory responsibilities could be expanded to capture all other statutory responsibilities not specifically covered in any of the other measures.

	<p>The suggestions for reordering some of the performance measures for the purposes of flow are appropriate and acceptable.</p> <p><b>Resulting Revisions:</b> Performance Measure A.9 regarding “Compliance to Statutory Responsibilities” is revised to include “other applicable laws.” This clarification ensures the Board assess the performance of authorizers’ compliance with any other applicable laws not specifically cited in HAPES.</p> <p>The new order of the performance measures under Organizational Capacity and Infrastructure is as follows:</p> <ul style="list-style-type: none"> <li>A.1: Authorizer Mission</li> <li>A.2: Strategic Vision and Organizational Goals</li> <li>A.3: Structure of Operations</li> <li>A.4: Authorizer Leadership and Staff Expertise</li> <li>A.5: Capacity and Skill Development of Leadership and Staff</li> <li>A.6: Authorizing Operational Budget</li> <li>A.7: Self-Evaluation of Capacity, Infrastructure, and Practices</li> <li>A.8: Operational Conflicts of Interest</li> <li>A.9: Compliance to Statutory Responsibilities</li> </ul> <p>The standards in the application for chartering authority have also been reordered to maintain consistency with HAPES.</p>
Suggested addition	<p><b>PERFORMANCE MEASURES D: ONGOING OVERSIGHT AND EVALUATION</b></p> <ul style="list-style-type: none"> <li>D.1: Process for Ongoing Oversight of Charter Schools</li> <li>D.2: Protecting School Autonomy</li> <li>D.3: Standards and Processes for Interventions, Corrective Action, and Response to Complaints</li> <li><b>D.4: Charter School Support, Development and Technical Assistance</b></li> </ul> <p><b>Response:</b> What is this suggested measure intended to cover? The measures in HAPES reflect only the minimum requirements that authorizers should be following in accordance with law and national standards. Neither require authorizers to provide “charter school support, development and technical assistance,” and law actually has some prohibitions on authorizers providing technical support.</p> <p>Regardless of the statutory requirements, it is less efficient, effective, and appropriate for authorizers to provide support to charter schools than a separate entity whose primary purpose is charter school support. Centralized charter school support is an issue the Board is currently investigating and should be addressed separately.</p>

	<b>Resulting Revisions: None</b>
HAPES Performance Measures Table	Recommended changes to language to Performance Measures Table <a href="#">HAPES Performance Measure Table with comments</a> <b>Response:</b> The linked table does not appear to include any comments.

<b>Authorizer Contract</b>	
See comments made directly on draft contract	<a href="#">Contract with comments</a> Responses to comments on the authorizing contract are in the additional attachment.

**Torio-Ka'uhane et al Comments (continued)**  
(Authorizing Contract)

“Section 16.1. Conflict of Interest. By its signature on this Contract, the Authorizer certifies: 1) it has reviewed and understands ethics and conflict of interest laws, including, but not limited to, Section 302D-8, HRS, and Chapter 84, HRS, if applicable; and 2) will take no action inconsistent with those laws. Failure of the Authorizer to comply with ethics and conflict of interest laws as applicable is, in itself, grounds for termination of this Contract and may result in the loss of other contracts or grants with the State of Hawaii. The Authorizer shall adopt and adhere to a conflict of interest policy to ensure objective decision-making.”

*COMMENT: Concern regarding this statement being broadly applied and seemingly not allowing for opportunity for correction or process to remedy.*

**Response:** Administrative rules prevent the Board from terminating an authorizing contract without first providing the authorizer an opportunity to remedy any identified problems.

**Resulting Revisions:** None

16.3. Fees. The Authorizer shall receive no payments from the charter schools within its portfolio of schools other than those for services purchased by charter schools at their own discretion in accordance with Section 302D-10, HRS. The Authorizer shall not charge charter schools within its portfolio of schools fees for any activities, functions, or operations required of authorizers by law.”

*COMMENT: Concern regarding how will new authorizers be expected to fund their services/support of their cohort of charter schools? Will the current Commission pro-rate its funding based on enrollment to approved authorizers? Will the “State? The DOE? ??” fund the authorizer and distribute the per-pupil funding allocation directly to the authorizer? I believe both processes are currently provided to the existing authorizer. Authorizers wil ,st*

**Response:** As mentioned in previous responses to other comments, the issue of funding will need to be addressed separately, but the documents reflect the current environment. As it stands, other authorizers will need either to fund themselves or request funding from the Legislature.

**Resulting Revisions:** None

16.15. Technical Support. Pursuant to Section 302D-5, HRS, the Authorizer shall not provide technical support to a prospective charter school applicant, an applicant governing board, or a charter school within its portfolio of schools in cases in which the technical support may impact decisions related to the approval or denial of a charter application or the renewal, revocation, or nonrenewal of a charter contract.

*COMMENT: The strength of the charter school movement is dependent on the growth of capacity of all stakeholders – commission, authorizers, charter school governing boards, educators, etc., etc. as well as young learners. All have kuleana to contribute to building capacity in service to supporting student growth and learning - young and old, as we are all students.*

**Response:** This is a requirement of law, and the contractual language mimics the statutory language. As mentioned in previous responses to other comments, centralized charter school support is an issue the Board is currently investigating and should be addressed separately.

**Resulting Revisions:** None

20. Participation in Training. The Authorizer shall attend all mandatory training seminars whether required in person or by video or telephone. **If the Authorizer fails to participate in any mandatory training required by the Board, the Authorizer is subject to a finding of noncompliance and may be subject to revocation of its chartering authority.** The Board shall provide notice of all mandatory training seminars within a reasonable time to permit attendance.

*COMMENT: We hope this section is meant to encourage participation and capacity development rather than to threaten punishment. Most involved in the charter school movement have contributed a work level comparable to an entrepreneur - going way beyond the expectations of a "job" often resulting in 60+ hours/week of contribution. Again, we hope the above is meant to encourage and support capacities rather than to punish. Perhaps repeated non-communication and non-participation may be "subject to a finding of noncompliance and may be subject to revocation of its chartering authority."*

**Response:** The dedication of charter school leaders is acknowledged and appreciated. Please note that none of the language in the contract or other documents is intended to insinuate a lack of contributions from charter school leaders. Rather, the language is meant to clearly communicate the Board's expectations of authorizers, the responsibilities and obligations of authorizers, and the oversight powers of the Board.

**Resulting Revisions:** None

21.6. Notices. Unless otherwise specified by law, any official notice required to be given by a Party to this Contract shall be delivered personally or by United States first class mail, postage prepaid, to the Parties' mailing address first indicated in the Contract. A notice shall be deemed to have been received three business days after mailing or at the time of actual receipt, whichever, is earlier.

*COMMENT: Mail from Honolulu to Windward can take as long a week to 10 days to arrive. Without prior indication to expect a communication, parties would not know to expect a notice to ensure compliance or to follow up if the communication was not delivered in three days. Policies should not be set up to create a default potential but to guide for success in meeting expectations.*

**Response:** Notices could also be sent to the official email address listed in Exhibit A of the contract. While the official notice would still need to be delivered personally or via mail, an electronic copy of the official notice could serve as the initial communication. Language could be added to this section to clarify this.

**Resulting Revisions:** Section 21.6 is amended to require the parties of the contract to provide electronic copies of official notices on the same day as they are personally delivered or mailed, when feasible.

**Attachment B**

**Public Comments on Student Achievement Committee's Proposed Multiple  
Charter School Authorizer System Documents**



96 Pu'uhonu Place  
Hilo, HI 96720  
(808) 935-4304  
(808) 969-7512

[www.ahapunanaleo.org](http://www.ahapunanaleo.org)

**Ka Papa Alaka'i**  
*Board of Directors*

Kauanoë Kamanā,  
*Pelekikena*

'Alohilani Rogers,  
*Kākau 'Ōlelo*

Larry Kimura

William H. Wilson

Ki'ope Raymond

Hulilau Wilson

Keawe Lopes

**Ka Luna Ho'okele**  
*Chief Executive Officer*

Ka'iulani J.K.N. Laehā

**Nā Papahana**  
**Pūnana Leo**

*Pūnana Leo Programs*

**Nā Kula Pūnana Leo**  
*Pūnana Leo Family-Based  
Preschool Program*

Pūnana Leo o Hilo

Pūnana Leo o Honolulu

Pūnana Leo o Kaua'i

Pūnana Leo o Maui

Pūnana Leo o Moloka'i

Pūnana Leo o Wai'anae

Pūnana Leo o Kona

Pūnana Leo o Waimea

Pūnana Leo o Mānoa

Pūnana Leo o Ko'olau Poko

Pūnana Leo o Lahaina

Pūnana Leo o Hāna

**Niuolahiki**

*Hawaiian Language Online*

March 8, 2019

Margaret Cox Chairperson  
Student Achievement Committee  
Hawai'i Board of Education  
Queen Liliuokalani Building  
1390 Miller Street, Room 404  
Honolulu, Hawaii 96813

[boe\\_hawaii@notes.k12.hi.us](mailto:boe_hawaii@notes.k12.hi.us)

Aloha Chair Cox and members of the Student Achievement Committee:

The 'Aha Pūnana Leo appreciates the opportunity to provide comments to the drafts for application, contract and performance evaluation documents for a multiple charter school authorizer system. The 'Aha Pūnana Leo submitted in 2018 its interest in becoming a new charter school authorizer.

The 'Aha Pūnana Leo is a Native Hawaiian non-profit established in 1983 with a vision of " E Ola Ka 'Ōlelo Hawai'i" (The Hawaiian Language Shall Live) and a mission to revitalize the Hawaiian language as a living language in Hawai'i and beyond.

For the past 35 years, the 'Aha Pūnana Leo has set a solid foundation for, and built a reputation for its commitment to, normalizing our 'ōlelo Hawai'i in its homeland, with a particular emphasis on reestablishing a P-20 Hawaiian medium education system.

Our comments are related to Hawai'i's unique educational system with two official language pathways.

The 'Aha Pūnana Leo submitted testimony in February 2016 in support of administrative rules for charter school authorizers. Our testimony supported the application of locally as well as nationally recognized principles and standards for quality charter authorizing in assessing performance. The draft does not contain any principles and standards that reflect our unique status or the local conditions and best practices. We support expanding to include Hawai'i's own culture and knowledge systems. Again, the National Association of Charter School Authorizers Principles & Standards for Quality Charter School is too narrow for our state with two official language

E O l a K a ' Ō l e l o H a w a i ' i

systems. We suggest expanding language to include recognition of standards for international and indigenous language systems supported in the World Indigenous Higher Education Consortium (WINHEC) authority. The Native American Languages Act of 1990 is federal policy that also supports the suggestions we provide. In addition, Hawai'i Revised Statutes 304A\_1301 established the Hawaiian language college and 302H establishes the Hawaiian Medium Education and 302L establishes the public pre-k education for children ready to enter kindergarten in either of Hawai'i's two official languages. Combined, these laws support the need to embrace a multiple authorizer administrative rules unique to Hawai'i's best practices.

Finally, we want to work with the Board of Education in advocating to amend the charter school law as there are no dedicated funding for authorizers.

Mahalo nui loa,

A handwritten signature in black ink, appearing to read 'Kāiulani Laehā', with a long horizontal line extending to the right from the end of the signature.

Kāiulani Laehā

'Aha Pūnana Leo, Inc.  
CEO



Phyllis Unebasami/SUPT/HIDOE

03/08/2019 01:15 PM

To boe\_hawaii@notes.k12.hi.us  
cc Janet Offner/SUPT/HIDOE@HIDOE  
Subject Feedback on Multiple Authorizers for Charter Schools

HIDOE workgroup: Deputy, AS Kunz, AS Armstrong, AS Kagawa

Feedback:

Authorizers should ensure:

- communication protocols with charter schools are agreed upon in writing;
- administrative functions are memorialized in clear and strong language as to adherence to SEA and LEA obligations for federal Title programs delegated to the HIDOE by the BOE

Strongly Recommend:

- Consideration for the impact of processes on DOE staff in meeting the needs of multiple authorizers and consider using the Commission to execute centralized functions for operations of charter schools.

Recommend:

- MOAs/MOUs between the BOE and authorizers
- MOAs/MOUs between the DOE and authorizers, and continuation of MOAs/MOUs between the Commission and DOE.
  - Prior to selection of authorizers, if any contracts need to be executed between the DOE and authorizers for certain functions that this determination is communicated to the DOE in a timely manner. DOE will require ample time to research and draft contract language.
- Any operational functions by the DOE involving fund transfers, payroll processing, funds monitoring, etc., are clearly outlined and processes agreed upon between the parties prior to the distribution of any funds to authorizers. This includes DOE actions and sanctions for failure of parties (authorizer or charter schools under the authorizer's purview) to adhere to agreements.

Me ke aloha pumehana,

Phyllis Unebasami  
Deputy Superintendent  
State of Hawaii Department of Education  
P.O. Box 2360  
Honolulu, HI 96804  
(808) 586-3315  
phyllis\_unebasami@notes.k12.hi.us

Phyllis Unebasami    [HIDOE workgroup: Deputy, AS Kun...](#)    03/04/2019 04:40:48 PM

From: Phyllis Unebasami/SUPT/HIDOE  
 To: Amy\_S\_Kunz/SUPT/HIDOE@notes.k12.hi.us, Heidi Armstrong/OSSS/HIDOE@HIDOE, Donna Lum Kagawa/OCID/HIDOE@HIDOE  
 Cc: sandra\_goya/supt/hidoe@notes.k12.hi.us  
 Date: 03/04/2019 04:40 PM  
 Subject: Feedback on Multiple Authorizers for Charter Schools - please review draft before sending to Supt

HIDOE workgroup: Deputy, AS Kunz, AS Armstrong, AS Kagawa

Feedback:

Authorizers should ensure:

- communication protocols with charter schools are agreed upon in writing;
- administrative functions are memorialized in clear and strong language as to adherence to SEA and LEA obligations for federal Title programs delegated to the HIDOE by the BOE

Strongly Recommend:

- Consideration for the impact of processes on DOE [staff](#) in meeting the needs of multiple authorizers and consider using the Commission to execute centralized functions for operations of charter schools.

Recommend:

- MOAs/MOUs between the BOE and authorizers
- MOAs/MOUs between the DOE and authorizers, and continuation of MOAs/MOUs between the Commission and DOE.
  - Prior to selection of authorizers, if any contracts need to be executed between the DOE and authorizers for certain functions that this determination is communicated to the DOE in a timely manner. DOE will require ample time to research and draft contract language.
- Any operational functions by the DOE involving fund transfers, payroll processing, funds monitoring, etc., are clearly outlined and processes agreed upon between the parties prior to the distribution of any funds to authorizers. This includes DOE actions and sanctions for failure of parties (authorizer or charter schools under the authorizer's purview) to adhere to agreements.

Me ke aloha pumehana,

Phyllis Unebasami  
Deputy Superintendent  
State of Hawaii Department of Education  
P.O. Box 2360  
Honolulu, HI 96804  
(808) 586-3315  
[phyllis\\_unebasami@notes.k12.hi.us](mailto:phyllis_unebasami@notes.k12.hi.us)



March 8, 2019

IN SUPPORT OF MULTIPLE HAWAIIAN FOCUSED CHARTER SCHOOL  
AUTHORIZERS

Aloha Board of Education:

Kanaeokana, the Kula Hawai'i Network which includes membership of all 17 Hawaiian Focused Charter Schools (HFCS) and over 60 other Hawaiian education organizations, would like to thank the Board of Education for engaging community input regarding multiple charter school authorizers. As a Hawaiian education network, Kanaeokana's mission is to collaboratively develop and strengthen a Native Hawaiian education system—built on a strong 'ōlelo Hawai'i and 'ike Hawai'i foundation—to grow and sustain aloha 'āina leaders.

This testimony, respectfully submitted on behalf of the Kanaeokana membership, addresses three general points regarding multiple charter school authorizers. The first is the critical need to have authorizers whose core mission and competencies support excellence in PreK-12 Hawaiian education. The second point addresses several core competencies that we believe are critical for any new authorizer who governs HFCSs to possess. Prefacing these points is the underlying precept of educational sovereignty that undergirds the legal and moral foundations of Hawaiian education.

**The exercise of Native Hawaiian educational sovereignty**

Kanaeokana network schools reference the United Nations' Declaration on the Rights of Indigenous People (61/295) which was adopted on September 2007. Kanaeokana members bring the Board's attention to Article 14 specifically. It reads:

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

Since HFCSs are based on Hawaiian ways of knowing and serve large percentages of Native Hawaiian students, this doctrine is cited to affirm the unique rights of Native Hawaiians in terms of educational choice, governance, curriculum, instruction and assessment.

### **The Need for a Multiple Hawaiian Focused Charter School Authorizers**

Given that 17 of the 37 public charter schools in Hawai'i identify themselves as Hawaiian-focused, we strongly believe that several authorizers with Hawaiian education as their distinct capability will be needed to accommodate the diversity and sheer number of HFCSs that currently exist. Furthermore, we support the concept that an effective authorizer maintain a small portfolio of schools that are manageable and commensurate with their capacity to govern which will allow them to provide the highest level of service and oversight to their portfolio schools.

### **Important Qualifications of Hawaiian Focused Charter School Authorizers**

Kanaeokana feels strongly that any organization that seeks to become a Hawaiian focused charter authorizer must possess or demonstrate the following qualifications:

- *Have a successful record as an educational organization that serves Native Hawaiian learners.*
- *Have a successful record of creating and implementing programs of Hawaiian education and learning.*
- *Reflect Kanaka Maoli values, language, culture and practices.*
- *Have knowledge and expertise in pedagogy, curriculum, instruction and assessments grounded in Hawaiian culture-based education.*

Kanaeokana thanks the Board of Education and the Board's staff for developing policies and guidelines for new chartering authorities. We are excited to engage in future discussions with the Board and community members to move this process forward as a way to improve the current state of our charter schools and to allow our member organizations that are charters schools to excel in their mission to deliver world class Hawaiian Culture Based Education. If the Board has any clarifying questions or comments, please contact Kanaeokana Network Facilitator, Manuwai Peters, Ed.D. at 808-534-8435 or via email at [advocacy@kanaeokana.net](mailto:advocacy@kanaeokana.net).

Respectfully submitted,

Kōmike Advocacy  
Kanaeokana Kula Hawai'i Network



KULANUI O  
HAWAII MA HILO

Ka Haka 'Ula O Ke'elikōlani  
College of Hawaiian Language

<http://www.olelo.hawaii.edu/khuok/>

MOKUNA  
PAPAHAHA KĀLA'I'IKE  
Academic Studies Division

Muapuka  
Undergraduate Programs

Mulipuka  
Graduate Programs

Kula Maui Ola  
Laboratory Schools

Kahuwaiola  
Indigenous Teacher Education Program

MOKUNA  
HALE KUAMO'O  
Hawaiian Language Center

Ho'oiikaika Kumu  
Hawaiian Medium Teacher Development

Ho'omohala Ha'awina  
Lawelawe Pāpaho & Keleka'a'ike  
Curriculum Development,  
Media and Telecommunication Services

KE'ENA HO'OKELE KOLEKE  
Administrative Office

200 W. KĀWILI STREET  
HILO, HAWAII 96720-4091  
KELEPONA (Phone): (808) 932-7360  
KELEPA'I (Fax): (808) 932-7651

KE KULA 'O  
NĀWAHIŌKALANI'ŌPU'U  
Hawaiian Medium Laboratory School

16-120 'ŌPŪKAHA'IA ST, SUITE 1  
KEA'AU, HAWAII 96749  
KELEPONA (Phone): (808) 982-4260  
KELEPA'I (Fax): (808) 966-7821

He Mea Hai Ma Ka Papaha  
Kaulike Me Ke Pai Laemāuna

An Equal Opportunity/  
Affirmative Action Institution

March 8, 2019

Margaret Cox Chairperson  
Student Achievement Committee  
Hawai'i Board of Education  
Queen Liliuokalani Building  
1390 Miller Street, Room 404  
Honolulu, Hawaii 96813

[boe\\_hawaii@notes.k12.hi.us](mailto:boe_hawaii@notes.k12.hi.us)

E ka Luna Ho'omalua Cox a me nā lāla o ke Kōmike Student Achievement,  
aloha 'oukou;

Ka Haka 'Ula O Ke'elikōlani College appreciates the opportunity to provide  
comments to the drafts for application, contract and performance evaluation  
documents for a multiple charter school authorizer system. The college has  
submitted prior interest in becoming a new charter school authorizer in 2018.

Mandated by the Hawai'i State Legislature in 1997 it is the sole state Hawaiian  
language college charged to provide education primarily through the Hawaiian  
language with a Hawaiian language Center that focuses on Hawaiian medium  
curriculum development and a teacher education program for Hawaiian  
medium-immersion schools.

Ka Haka 'Ula O Ke'elikōlani College has built a reputation for its commitment  
to and renormalizing of 'ōlelo Hawai'i as a P-25 pipeline for *kaia 'ōlelo  
Hawai'i*—Hawaiian medium education. It's work is also nationally and  
internationally recognized for its success in Hawaiian medium education as a  
platform for revitalization of Hawai'i's only native language.

We humbly, provide our comments as related to Hawai'i's unique state system  
with two official language pathways:

1. We support the application of locally as well as nationally recognized  
principles and standards for quality charter authorizing in assessing  
performance. However, the draft does not contain any principles and  
standards that reflect our unique status or the local conditions and best  
practices.

We find the National Association of Charter School Authorizers Principles & Standards for Quality Charter School is too narrow for our state with two official language systems and recommend expanding the principles and standards to include Hawai‘i’s own culture, language and knowledge systems.

2. We suggest expanding language to embrace a multiple authorizer administrative rules that reflect best practices unique to Hawai‘i and include standards for international and indigenous language systems supported in the World Indigenous Higher Education Consortium (WINHEC) authority. The Native American Languages Act of 1990 is federal policy that also supports the suggestions we provide. In addition, Hawai‘i Revised Statutes 304A\_1301 established the Hawaiian language college and 302H establishes the Hawaiian Medium Education and 302L establishes the public pre-k education for children ready to enter kindergarten in either of Hawai‘i’s two official languages.

We graciously offer our support and assistance to work with the Board of Education in advocating to amend the charter school law as there are no dedicated funding for authorizers.

Me ka ‘oia‘i‘o,



Dr. Keiki Kawai‘ae‘a  
Director, Ka Haka ‘Ula O Ke‘elikōlani College  
University of Hawai‘i at Hilo



## KAMEHAMEHA SCHOOLS®

Date: March 9, 2019  
To: Hawai‘i Board of Education  
Author: Dr. Wai‘ale‘ale Sarsona  
RE: Comments on Draft Documents for Implementation of Multiple Charter School Authorizer System

Kamehameha Schools advocates for, invests in and supports the achievement of Hawai‘i’s Native Hawaiian public school students. As a major investor in Hawai‘i’s Public Charter Schools, we commend the Board’s efforts to establish a Multiple Charter School Authorizer System. We provide the following recommendations, comments and clarifying questions for consideration to ensure implementation has meaningful outcomes for Hawai‘i’s children:

**Ensure applicant authorizers have a clear understanding, experience in and commitment to local context and conditions that make public education in Hawai‘i unlike anywhere else.** According to Board Policy 105.7:

Hawai[‘]i’s public education system should embody Hawaiian values, language, culture and history as a foundation to prepare students in grades K-12 for success in college, career and communities, locally and globally. Hawaiian language, culture, and history should be an integral part of Hawai[‘]i’s education standards for all students in grades K-12.

In 2011, the National Association of Charter School Authorizers (NACSA) shared a memorandum with Hawai‘i’s Charter School Governance, Accountability and Authority Task Force, which states that “a good authorizer can and should accommodate schools with unique missions.” In particular, the presence of Hawaiian culture and language charter schools “falls squarely within the charter philosophy.”

The proposed system does not recognize Hawai‘i’s unique educational context and conditions identified in Board Policies 105.7 Hawaiian Education and 105.8 Ka Papahana Kaiapuni and the State Constitution, nor experience operating in Hawai‘i. We recommend building such criteria into the Hawai‘i Authorizer Performance Evaluation System (HAPES).

**High-quality authorizing is directly linked to high-quality charter schools, thereby resulting in better educational outcomes for learners.** Current public policy and practices limit authorizer autonomy/flexibility to provide the high-quality authorizing intended by the Multiple Charter Authorizing System. Some examples are:

**Lack of funding for authorizers beyond the current Charter School Commission.** According to NASCA (2009), “*State charter school policy should provide for adequate authorizer funding as an essential element of the charter school infrastructure.*” Without funding, the interest of potential new authorizers is deterred and approved authorizers will lack capacity to accomplish quality authorizing and oversight. The responsibilities outlined in HRS §302D-5, Authorizer powers, duties and liabilities, cannot be carried out without dedicated funding. Some examples of current policies limiting funding options include restricting new authorizers from assessing a fee from charter schools and not providing state funding beyond the current Charter Commission.

We recommend the Board seek changes in public policy to ensure sufficient funding options are available to enable quality authorizing.

**Single SEA/LEA.** The Board should consider decoupling the SEA/LEA to improve charter autonomy and to uphold the “charter bargain” it promotes on page 3 of the application. An authorizer fits the definition of a Local Education Agency (e-CFR Title 34, Education). Such designation would improve an authorizer’s ability to accomplish the intent of Hawai‘i’s Charter School System by increasing autonomy to meet federal requirements that meet their authorizing mission.

**Hawai‘i Charter Schools as “state agencies.”** We support the use of NASCA Principles and Standards for Quality, where applicable, given Hawai‘i’s chartering laws and policies. Hawai‘i’s charter school system implementation, however, is not like most chartering systems nationwide. In Hawai‘i, charter schools are state agencies and as a result, must follow a unique set of standards and rules, such as, but not limited to: Collective Bargaining, Procurement, Legal Guidance, No Debt Services, etc. This significant difference is not considered in NACSA Principles.

**Specific considerations on the draft documents:**

1. State of Hawai‘i Board of Education Application for Chartering Authority to Become a New Charter School Authorizer.
  - a. Page 3: Consider expanding the eligibility of a governing board of a non-profit or charitable organization to include “statewide, regional, or local chartering authority,” to align with state and county agencies. Regional or local chartering may be a more reasonable option for non-profits.
  - b. Page 5: *Public Forum*. Consider holding public forums in relative regions and/or local communities where the actual applicant is seeking chartering authority. Secondly, consider two public forums for statewide applications, with at least one neighbor island forum. Applicants should have an understanding of and prepare for a future relationship with the community in which they intend to authorize a charter school.
2. State of Hawai‘i Board of Education Authorizing Contract
  - a. Page 3: *6. New Charter Schools*. Consider adding language that would require the authorizer to also notify the Charter Commission and other authorizers within the same 3 business-day period. The intent is to ensure consistency in communication.
  - b. Page 7: *16.12 School Closure*. Consider stating any obligation the authorizer has to hold/maintain records. Of particular concern are student files and transcripts that are often times needed decades after the student graduates.

**Additional clarifying questions that should be addressed for successful implementation:**

1. Has the Board considered what changes it would make to improve the current system?
2. How will the Board migrate the current Charter Commission to the HAPES?
3. What is the expected relationship between authorizers and how will the Board manage those relationships?
4. To what extent must authorizers follow state education requirements?
5. How will the Board address charter schools that move from one authorizer to the next, inclusive of related funding?

Mahalo for the opportunity to provide comments. If you have any questions or concerns, I can be reached at (808) 523-6362 or via email at [wasarson@ksbe.edu](mailto:wasarson@ksbe.edu).

Founded in 1887, Kamehameha Schools is an educational organization striving to restore our people through education and advance a thriving Lāhui where all Native Hawaiians are successful, grounded in traditional values, and leading in the local and global communities. We believe that community success is individual success, Hawaiian culture-based education leads to academic success and local leadership drives global leadership. ‘A‘ohe hana nui ke alu ‘ia. No task is too large when we all work together!



## MEMO

To: Margaret Cox, Hawaii State Board of Education  
From: Amy Ruck Kagan, Authorizer Engagement & Advancement Division, NACSA  
Date: March 11, 2019  
Subject: Feedback on Hawaii Authorizer Performance Evaluation System (HAPES)

### Overview

Overall, the framework is thoughtful and closely aligned to NACSA's Principles & Standards. To further strengthen the document's impact throughout its application, please see several general suggestions and indicator-specific feedback below.

### General Recommendations

Throughout the framework, the weighting schema employed (based on the number of possible points in each section) does not clearly align with the priorities of the Hawaii State Public Charter School Commission. Some indicators carry such minor point value (0-3 points) that even exemplary performance in that area would be of minimal impact on the authorizer's overall rating. This may also unintentionally suggest that such measures (such as Authorizer Mission, Pre-Opening Process, and Approval Criteria, among others) are not critical or valued.

While external verification through the use of survey tools, interviews, site visits, and other types of observation is a solid practice that incorporates the views and feedback of stakeholders, HAPES does not articulate how mixed, limited, and/or contradictory external evidence would affect ratings. In the case of the latter, defaulting to a "satisfactory" rating may not be appropriate.

### Indicator Specific Recommendations

(Please note: language/word choice suggestions may apply to more than one indicator):

A.2: Consider incorporating the term 'ambitious' into the Satisfactory rating, rather than only in Exemplary.

A.4: Consider defining terms that may seem ambiguous to some readers in the Indicator Level Specifications sections. For example, "regularly" and "occasionally." HSPCSC should consider articulating a minimally acceptable frequency for either or both definitions for the sake of clarity.

A.5: At many authorizing offices nationwide, staffing levels do not keep pace with portfolio growth for financial reasons. In light of this, consider revising language from "understanding" structure to "effectively leveraging" structure.

C.2: As this is the primary indicator that would indirectly measure charter school portfolio performance as part of the HAPES process, consider strengthening language to include a reference to "rigorous" performance expectations.

PHONE (808) 594-1888

FAX (808) 594-1938



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HWY., SUITE 200  
HONOLULU, HAWAII 96817**

Malaki 8, 2019

Electronic transmittal: [boe\\_hawaii@notes.k12.hi.us](mailto:boe_hawaii@notes.k12.hi.us)

Catherine Payne, Chairperson of the Board  
Maggie Cox, Chairperson of the Student Achievement Committee (SAC)  
Hawai'i State Board of Education  
P.O. Box 2360  
Honolulu, HI 96804

**Re: Comments on Draft Documents for Implementation of Multiple Charter School Authorizer System**

Aloha mai e Board Chair Payne, SAC Chair Cox, and members of the Hawai'i Board of Education and SAC Committee:

The Administration of the Office of Hawaiian Affairs (OHA) appreciates the invitation to submit comments on the Hawai'i State Board of Education's (Board's) draft documents for the implementation of Hawai'i's charter school multiple authorizer system, including a proposed Hawai'i Authorizer Performance Evaluation System (HAPES), a draft application for chartering authority, and a draft authorizing contract.

OHA is a semi-autonomous agency established by the constitution and laws of the State of Hawai'i to better the conditions of Native Hawaiians. As the constitutionally-established body responsible for protecting and promoting the rights of Native Hawaiians, OHA is required, among other things, to assess the policies and practices of agencies impacting Native Hawaiians, and to conduct advocacy efforts for Native Hawaiians. OHA also provides funding to programs and projects to better the conditions of Native Hawaiians, in line with its strategic plan, strategic priorities, and strategic results.

OHA has been a strong supporter of Hawai'i's public charter schools, many of which provide a culturally grounded education for Native Hawaiian and other children. Seventeen of the thirty-seven public charter schools in Hawai'i are Hawaiian culture-based or Hawaiian language-

medium schools, in which OHA has invested over \$18.6 million between FY 2005-2006 and FY 2016-2017. On October 19, 2017, the OHA Board of Trustees approved an additional \$3 million total to these charter schools for FY 2017-2018 and FY 2018-2019. OHA made this investment because research shows that Hawaiian students exposed to culturally driven educational strategies have a stronger sense of socio-emotional well-being, deeper engagement with their schools, and a stronger commitment to civic activities in their community, factors which are directly tied to greater academic achievement.

As a funder and advocate for improvement of the conditions of Native Hawaiians, OHA respectfully offers the following comments with regard to the Board's draft multiple authorizer documents.

1. **Recommended express consideration of "local conditions," particularly with respect to the 'ike Hawai'i (Hawaiian education) and 'ōlelo Hawai'i (Hawaiian language), in the authorizer contract and performance evaluation documents as envisioned by Hawai'i Administrative Rules (HAR) §§ 8-515-5 and 8-515-10**

The Board should include criteria specifically addressing potential and future charter school authorizers' understanding of the "local conditions" of Hawai'i in all of its draft authorizer documents, consistent with language found in the recently promulgated administrative rules for multiple charter school authorizers. HAR §8-515-5(b) requires the Board to develop criteria for evaluating applications for chartering authority based on nationally recognized principles and standards for quality charter authorizing, as applicable to "local conditions." HAR §8-515-10 (a) similarly requires the Board to develop a performance evaluation system based on nationally recognized principles and standards for quality charter authorizing, as applicable to "local conditions." These provisions were included as a response to requests made during the preliminary comment period on the draft administrative rules, and reflect the Board's intent to "*recognize that national principles and standards for quality charter authorizing should only be applied understanding the local conditions,*"<sup>1</sup> as well as its acknowledgement of "*the importance of conducting authorizing in a manner appropriate to Hawai'i.*"<sup>2</sup> Accordingly, OHA respectfully recommends that the Board ensure that all draft authorizer documents consistently reflect the need for potential and future authorizers to understand "local conditions" as envisioned under the Board's administrative rules.

For example, support for Hawaiian culture-based education is critically important to Native Hawaiian educational outcomes, especially in the State's charter schools: as mentioned previously, almost half of Hawai'i public charter schools, 17 out of 37, are Hawaiian culture-based or Hawaiian language-medium schools, the substantial majority of which were established almost 20 years ago, to offer families learning environments that emphasize Hawaiian language, culture, and values. The founders, leaders, teachers, and families of these schools recognize that culturally

---

<sup>1</sup> State of Hawai'i Board of Education, General Meeting, Agenda Item VII.A, Board Action on Student Achievement Committee Recommendation Concerning Public Comment Received on the Administrative Rules for Multiple Charter School Authorizers at September 27, 2016 Public Hearing, 8 (Nov. 15, 2016). available at [http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM\\_20161115\\_Board%20Action%20on%20multiple%20charter%20school%20authorizer%20admin%20rules.pdf](http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20161115_Board%20Action%20on%20multiple%20charter%20school%20authorizer%20admin%20rules.pdf)

<sup>2</sup> *Id.*

enriched education is a pathway to improving Native Hawaiian students' educational outcomes and overall well-being. Notably, research shows that Hawaiian culture-based education (HCBE) is positively associated with students' socio-emotional outcomes, which in turn support educational and lifelong achievements;<sup>3</sup> students in HCBE-enriched classrooms have also been found to have greater connections to community, a greater sense of belonging, deeper cultural affiliations, increased self-efficacy, and more pronounced college aspirations.<sup>4</sup> The Board itself has acknowledged the value of a Native Hawaiian culturally enriched education, supported by Article X, Section 4 of the State Constitution, which requires the State to provide for a Hawaiian education program in public schools: Board Policy 105-7 (Hawaiian Education) explicitly recognizes that "Hawai'i's public education should embody Hawaiian values, language, culture and history as a foundation to prepare students in grades K-12 for success in college, career and communities, locally and globally. Hawaiian language, culture, and history should be an integral part of Hawai'i's education standards for all students in grades K-12," and Board Policy 105-8 (Ka Papahana Kaiapuni) further provides that the Kaiapuni Educational Program offers students an education in the medium of the Hawaiian language, and that the program's goals shall be to "provide parents and students a Hawaiian bicultural and bilingual education based upon a rigorous Hawaiian content and context curriculum." **However, despite the important role of our public charter schools in supporting Hawaiian culture-based and language-medium education, OHA respectfully notes that the draft Hawai'i Authorizer Performance Evaluation System (HAPES), the draft authorizer application, and the draft contract for chartering authority, all lack criteria that would ensure the explicit consideration of this unique and critically important local context.**

In light of the above comments, OHA therefore provides the following suggested amendments to the draft documents, with new language underscored:

### **Hawai'i Authorizer Performance Evaluation System**

OHA recommends amending entries under C.1 and C.2 in the table for Performance Measures C: Performance Contracting, on pages 28 and 29, to read as follows:

#### **(C.1. Specifications)**

##### **"Specific Data Sources**

- Performance Evaluation Response Form:
  - Brief narrative response addressing guiding question and evidence
  - Current charter contract template
- Interviews, surveys, site visits, and independent observations including with respect to:
  - Adequate facilitation and support of Hawaiian Education ('ike Hawai'i) programming, as applicable

---

<sup>3</sup> See generally, Shawn Malia Kana'iaupuni, Brandon Ledward, & Nolan Malone, *Mohala i ka wai: Cultural Advantage as a framework for Indigenous Culture-Based Education and Student Outcomes*, 54 Am. Ed. Rsch. J. 1S, 311S-339S (2017) available at [https://www.ksbe.edu/assets/pdfs/Mohala\\_i\\_ka\\_wai\\_Cultural\\_Advantage.pdf](https://www.ksbe.edu/assets/pdfs/Mohala_i_ka_wai_Cultural_Advantage.pdf).

<sup>4</sup> *Id.*

- Adequate facilitation and support of Ka Papahana Kaiapuni and 'ōlelo Hawai'i programming, as applicable"

## (C.2 Specifications)

### "Specific Data Sources

- Performance Evaluation Response Form:
  - Brief narrative response addressing guiding question and evidence
  - Performance framework for school academic, financial, organizational and operational performance standards as contained in the current charter contract template
- Interviews, surveys, site visits, and independent observations including with respect to:
  - Adequate facilitation and support of Hawaiian Education ('ike Hawai'i) programming, as applicable
  - Adequate facilitation and support of Ka Papahana Kaiapuni and 'ōlelo Hawai'i programming, as applicable"

### Application for Chartering Authority to Become a New Charter School Authorizer

OHA recommends amending page 7 relating to the Evaluation Team's rating scale to read as follows:

"The response reflects a thorough understanding of key issues. It addresses the topic with specific and accurate information that shows thorough preparation; presents a clear, realistic picture of how the proposed authorizer expects to operate; demonstrates an understanding of the benefits, goals, and challenges of Hawaiian Education ('ike Hawai'i), Ka Papahana Kaiapuni and 'ōlelo Hawai'i programming, as applicable; and inspires confidence in the applicant's capacity to carry out the plan effectively."

OHA recommends amending page 1 of the Application Instructions to read as follows:

#### "Standard A.1: Authorizer Mission (HAPES Performance Measure A.1)

The Applicant has a clear and compelling mission for charter school authorizing that aligns with, supports, and advances the intent of law and purpose of charter schools.

Approval Criteria. A satisfactory response:

- Identifies the Applicant's clear and compelling mission;
- Clearly describes how the mission aligns with, supports, and advances the intent of Hawaii Revised Statutes ("HRS") Chapter 302D and the purpose of charter schools pursuant to Board Policy;

- Demonstrates an understanding of the benefits, goals, and needs of Hawaiian Education ('ike Hawai'i) Ka Papahana Kaiapuni, and 'ōlelo Hawai'i programming, as applicable.

### Authorizing Contract

OHA recommends amending item 4 on page 3 to read as follows:

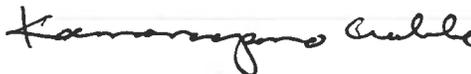
"4. *Chartering Authority.* The Authorizer shall exercise its chartering authority only within the jurisdiction defined by the chartering authority jurisdiction in Exhibit A to this Contract. The Authorizer shall execute its essential powers and duties, pursuant to Section 302D-5, HRS, in accordance with national principles and standards for quality charter authorizing, as applicable to local conditions including but not limited to the goals of providing Hawaiian bicultural and bilingual education, pursuant to Section 302D-6, HRS and with the spirit and intent of Chapter 302D, HRS, and Board of Education Policies 105-7 (Hawaiian Education) and 105-8 (Ka Papahana Kaiapuni), as applicable."

### 2. Need for dedicated funding for additional public charter school authorizers

Section 302D-3(j), HRS, provides the Hawai'i State Public Charter School Commission with dedicated funding for its operations and staff. However, no such dedicated funding is provided for any additional public charter school authorizer. Given the extensive responsibilities of public charter school authorizers, particularly in ensuring that charter schools in their portfolio meet organizational, academic, and financial performance measures required by Chapter 302D, HRS, OHA encourages the Board to consider taking proactive steps to ensure that any future authorizers are provided with sufficient operational and staff support.

Mahalo nui for the opportunity to provide comments on the Board's draft multiple authorizer documents. 'A'ohē lua e like ai me ka ho'ona'auao 'ana o ke kamali'i. Nothing can compare in worth to the education of our children.

'O wau iho nō me ka 'oia'i'o,



Kamana'opono M. Crabbe, Ph.D.  
Ka Pouhana, Chief Executive Officer

KMC:mm



**SWAT Feedback - Authorizer Documents**

**Ipo Torio** to: Kenyon\_Tam, Alison\_Kunishige  
Cc: Gene Zarro, Aunty Shar, Taffi Wise, hedy\_kanaka\_pcs,  
Steve\_Hirakami, "To: John Thatcher", Katie Benioni

03/10/2019 06:36 PM

From: Ipo Torio <[REDACTED]>  
To: Kenyon\_Tam/BOE/HIDOE@notes.k12.hi.us, Alison\_Kunishige/BOE/HIDOE@notes.k12.hi.us  
Cc: Gene Zarro <[REDACTED]>, Aunty Shar <[REDACTED]>, Taffi Wise  
<[REDACTED]>, Steve\_Hirakami/HAASPCS/HIDOE  
<[REDACTED]>, "To: John Thatcher"

History: This message has been replied to.

Aloha Kenyon,

Mahalo for the opportunity to provide feedback to the Authorizer Documents. It's obvious that you and Alison have worked hard to produce these documents. In the hopes increasing efficiency and avoiding miscommunication we would like to suggest a roundtable in which we would have the opportunity for discussion. The feedback form attached has links to the drafts with our comments. I tested the links to be sure you can access them, but feel free to call me if you have trouble opening them. Our SWAT team will be sharing our feedback with the Charter School Network and Authorizer candidates. Our SWAT team thanks Aunty Charlene Ho for taking the time to provide you with detailed comments. It was her heavy lifting that made this feedback process doable. Again, mahalo for the work that you do, and the opportunity to participate in the process.

[Feedback \(Round 2\) 3.9.19](#)

--

Mahalo nui loa  
Ipo Torio-Ka'uhane

\*\*\*\*\*  
\*\*

This email was scanned by the Cisco IronPort Email Security System contracted by the Hawaii Dept of Education. If you receive suspicious/phish email, forward a copy to [spamreport@notes.k12.hi.us](mailto:spamreport@notes.k12.hi.us). This helps us monitor suspicious/phish email getting thru. You will not receive a response, but rest assured the information received will help to build additional protection.

\*\*\*\*\*  
\*\*

**Feedback to Hawaii Authorizer Documents**  
(Application, Performance Evaluation, Contract)

<b>Application</b>	
Strategic Plan	A strategic plan should not be required as part of the application process. It makes more sense for the Authorizer to develop a strategic plan after it has had time to understand the strengths and growth areas of its portfolio of schools. You cannot create plan for what you don't know. However, the authorizer could develop a strategic vision or approach for the first 1-2 years.
Authorizer Funding	Funding for the Authorizer is not clear. Will Authorizers receive a portion of what is currently funding the Commision? If Authorizers are expected to provide services to their schools then they have to be able to charge a fee or %. The way the application and contract reads, Authorizers are expected to fund themselves.
Budget	Clarification of funding needed to develop budget
Language Concerns Page 2	"charter bargain," which provides charter schools with <b>relatively</b> more autonomy in exchange for <b>greater</b> accountability. <b>Consider deleting highlighted words.</b>
Language Concerns Page 5	to afford members of the public an opportunity to provide comments on each application for chartering authority. While the Evaluation Team does not consider public comments in developing its recommendation, <b>Why is public comment not considered by the team but it is considered by the Board? Wouldn't this be a useful step for both the Board and Evaluation Team?</b>
Evaluation Team Selection	Consider giving the SAC chair the authority to appoint one or two team members, as opposed to all appointments made by the BOE chair.
Page 5, "Student Achievement Committee Meeting."	Paragraph: Student Achievement Committee will hold a public meeting to consider the application  <i>COMMENT: Another opportunity in the process in which community input could be reviewed</i>
Page 6, Evaluation Paragraph 1	"who ideally have expertise with authorizing or charter school operations at either the state or national levels"

	<p><i>COMMENT: Initially, authorizer experience pool may be a small; emphasizing importance of including individuals with charter operations experience</i></p>
<p>Page 7, Paragraph just above the Rating Table</p>	<p>“For the Evaluation Team to recommend approval, the application must meet the criteria in each of the main sections:”</p> <p><i>COMMENT: Would the Evaluation Team integrate the entire HAPES instrument in their review process? How would the following rubric be used? As an overall, one time indicator of the section? Or compiled based on the review of the individual components of each section?</i></p>
<p>Page 17, Statement of Assurances</p>	<p>first agreement under Paragraph 1: “policies”</p> <p><i>COMMENT: Insert "charter-related" policies as designated by the Board of Education. Not all policies apply to all public schools. The Board of Education does indicate as they so determine.</i></p>
<p>Page 19, Application Instructions. Part A</p>	<p>Organizational Plan. Standard A.1: Authorizer Mission: second bullet under Standard A.1: Authorizer Mission. Approval Criteria: “purpose of charter schools pursuant to Board Policy”.</p> <p><i>COMMENT: This phrase is used often in the draft documents. Is there a "purpose of charter schools pursuant to Board of Education Policy" that differs from the law? If yes, perhaps that should be referenced to ensure alignment?</i></p>
<p>Page 20,. Standard A.2: Strategic Vision and Organizational Goals.</p>	<p>4<sup>th</sup> and 5<sup>th</sup> bullets under Standard A.2: Approval Criteria: regarding “how the Applicant will evaluate its work against its strategic vision and organizational goals” and “ “implement plans for improvement”</p> <p><i>COMMENT: Suggest creating a unique Standard addressing "evaluation" and "implementation of plans" processes; may help emphasize the distinct between creating a plan and the actions of evaluation of these processes.</i></p>
<p>Page 22,. Standard A.7: Compliance to Statutory Responsibilities</p>	<p>3<sup>rd</sup> bullet under Standard A.7: Approval Criteria: “ how the Applicant will adequately act as a point of contact between its portfolio of schools and the Department of Education</p> <p><i>COMMENT: This is an important function of the authorizer; and so too, is having a clear point of contact between its schools and any/all state and other entities from which the CSs are eligible to receive supports and/or to which they are required to</i></p>

	<i>report</i>
Page 22. Part B: FINANCIAL PLAN	<p><i>“Note: Statute does not expressly allow authorizers to charge charter schools fees for operating costs. The authorizing contract prohibits an authorizer from receiving payments from the charter schools within its portfolio of schools for anything other than services purchased by charter schools at their own discretion in accordance with HRS Section 302D-10. The authorizing contract further clarifies that an authorizer shall not charge charter schools within its portfolio of schools fees for any activities, functions, or operations required of authorizers by law. Further, statute does provide dedicated state resources to authorizers other than the State Public Charter School Commission.”</i></p> <p><i>COMMENT: Concern regarding the current status on this issue: no State financial allocation to authorizers recognizing their contribution for their implementation, oversight, and focus on continuous improvement within the charter school sector of the State's public school system. . . this approach is not best practice nationally. Additional authorizers will be expected to absorb cost of supporting the charter schools in their management as the Commission functions currently and is fully funded. Yet as authorizers take on the management of new, as well as existing charter schools, does the Commission remain fully funded?</i></p>
<b>Performance Evaluation (HAPES)</b>	
Evaluation Team Make-up	At least one evaluator shall have educational expertise as related to authorizer mission and vision
Timeline Page 1 <a href="#">Revised Timetable</a>	A general timeline of the main process activities is below. Exact dates and deadlines are subject to Board Chairperson approval. The timeline below is based on a regular performance evaluation that is conducted periodically ( <a href="#">projected schedule?</a> <a href="#">Annually?</a> <a href="#">Mid-contract?</a> <a href="#">Other?</a> ) <b>SEE Evaluation Process Table reorg doc</b> for suggested changes in layout; Language remains verbatim
Performance Evaluation Response Form, page 2 Language Concerns	Any missing or incomplete information will result in negative findings for the respective performance measures. ( <a href="#">Would this be applied with the assumption of willful action and without inquiry with the authorizer?</a> )
Performance Evaluation Report, page 3	If the Board uses HAPES for a special review outside of the regular performance evaluation, the performance evaluation report can serve

	<p>as the notice of noncompliance pursuant to HAR Sections 8-515-11(d) and 8-515-13. (Is there an example of what this might address?)</p>
<p>Roles and Responsibilities Board; page 3</p>	<p>In adopting HAPES, the Board authorizes an Evaluation Team, as selected by the Board Chairperson (in consultation with the Student Achievement Committee Chairperson), to conduct each regular authorizer performance evaluation. The Board Chairperson is responsible for setting the performance evaluation timeline (would/could this differ from that timeline detailed on page one? If yes, what factors would be used in setting the timeline?)</p>
<p>Suggested Changes, page 3-4 Evaluation Team Selection</p> <p>Delete highlighted section and replace with language in blue</p>	<ul style="list-style-type: none"> <li>● At least one evaluator must have charter school authorizing expertise;</li> <li>● At least one evaluator must have expertise in finance, accounting, or a related field; and</li> <li>● While not required, it is desirable for at least one evaluator to have human resources human resources, legal, and/or public administration expertise.</li> <li>● All evaluators shall have expertise in one or more of the following areas related to charter schools: <ul style="list-style-type: none"> <li>○ Educational program design related to the authorizer’s proposed mission, vision, and preferred educational program framework</li> <li>○ Organizational aspects of authorizing and/or accreditation processes</li> <li>○ Operation aspects related finance, accounting, human resources, etc.</li> </ul> </li> </ul>
<p>Recommended changes to reflect foundation and improve organization flow</p>	<p>A.1: Authorizer Mission.</p> <p>A.2: Strategic Vision and Organizational Goals. – Based on the elements an authorizer must meet for “satisfactory” suggest creating two Measures:</p> <ul style="list-style-type: none"> <li>• one to evaluate the authorizer’s Mission and an articulated plan;</li> </ul> <p>A.3: Strategic Vision, Organizational Goals and Evaluation Process of Goal Attainment.</p> <ul style="list-style-type: none"> <li>• a second to evaluate authorizer process(es) to implement, measure, and evaluate progress/attainment toward mission/plan goals</li> </ul> <p>A.4: Structure of Operations. Move original A.5 to this position: Structure of Operations (to reflect level of importance within an organization – “Mission, Vision, Plan for leadership structure and responsibilities,. . .”) Capability to implement..”</p> <p>A.5: Authorizer Leadership and Staff Expertise. Move A.6 to this position: Authorizer Leadership and Staff Expertise (to reflect level of importance within an organization – “Mission, Vision,</p>

	<p>Plan for leadership structure and responsibilities,. . . with capabilities to implement. . .")</p> <p>A.6: <b>Capacity and Skill Development of Leadership and Staff</b>. Move A.7 to this position: Capacity and Skill Development of Leadership and Staff (to reflect level of importance within an organization – commitment to continuous school improvement with PD for all staff for all levels of responsibility)</p> <p>A.7: <b>Authorizing Operational Budget</b>. Move A.8 to this position: Authorizing Operational Budget</p> <p>A.8: <b>Self-Evaluation of Capacity, Infrastructure, and Practices</b>. Move A.4 to this position: Self-Evaluation of Capacity, Infrastructure, and Practices</p> <p>A.9: <b>Compliance to Statutory Responsibilities</b>.</p> <p>A.10: <b>Established Key Operational Policies</b>. Move A.3: Operational Conflicts of Interest to this position but expand to include key foundational policies (e.g Board Bylaws, Operational Conflicts of Interest, procurement, standard of Ethics, ++)</p>
Suggested addition	<p><b>PERFORMANCE MEASURES D: ONGOING OVERSIGHT AND EVALUATION</b></p> <p>D.1: Process for Ongoing Oversight of Charter Schools</p> <p>D.2: Protecting School Autonomy</p> <p>D.3: Standards and Processes for Interventions, Corrective Action, and Response to Complaints</p> <p><b>D.4: Charter School Support, Development and Technical Assistance</b></p>
HAPES Performance Measures Table	<p>Recommended changes to language to Performance Measures Table <a href="#">HAPES Performance Measure Table with comments</a></p>

<b>Authorizer Contract</b>	
See comments made directly on draft contract	<a href="#">Contract with comments</a>

STATE OF HAWAII  
BOARD OF EDUCATION  
**AUTHORIZING CONTRACT**

“Section 16.1. Conflict of Interest. By its signature on this Contract, the Authorizer certifies: 1) it has reviewed and understands ethics and conflict of interest laws, including, but not limited to, Section 302D-8, HRS, and Chapter 84, HRS, if applicable; and 2) will take no action inconsistent with those laws. Failure of the Authorizer to comply with ethics and conflict of interest laws as applicable is, in itself, grounds for termination of this Contract and may result in the loss of other contracts or grants with the State of Hawaii. The Authorizer shall adopt and adhere to a conflict of interest policy to ensure objective decision-making.”

*COMMENT: Concern regarding this statement being broadly applied and seemingly not allowing for opportunity for correction or process to remedy.*

**16.3. Fees.** The Authorizer shall receive no payments from the charter schools within its portfolio of schools other than those for services purchased by charter schools at their own discretion in accordance with Section 302D-10, HRS. The Authorizer shall not charge charter schools within its portfolio of schools fees for any activities, functions, or operations required of authorizers by law.”

*COMMENT: Concern regarding how will new authorizers be expected to fund their services/support of their cohort of charter schools? Will the current Commission pro-rate its funding based on enrollment to approved authorizers? Will the “State? The DOE? ??” fund the authorizer and distribute the per-pupil funding allocation directly to the authorizer? I believe both processes are currently provided to the existing authorizer. Authorizers wil ,st*

**16.15. Technical Support.** Pursuant to Section 302D-5, HRS, the Authorizer shall not provide technical support to a prospective charter school applicant, an applicant governing board, or a charter school within its portfolio of schools in cases in which the technical support may impact decisions related to the approval or denial of a charter application or the renewal, revocation, or nonrenewal of a charter contract.

*COMMENT: The strength of the charter school movement is dependent on the growth of capacity of all stakeholders – commission, authorizers, charter school governing boards, educators, etc., etc. as well as young learners. All have kuleana to contribute to building capacity in service to supporting student growth and learning - young and old, as we are all students.*

**20. Participation in Training.** The Authorizer shall attend all mandatory training seminars whether required in person or by video or telephone. If the Authorizer fails to participate in any mandatory training required by the Board, the Authorizer is subject to a finding of noncompliance and may be subject to revocation of its chartering authority. The Board shall provide notice of all mandatory training seminars within a reasonable time to permit attendance.

*COMMENT: We hope this is section is meant to encourage participation and capacity development rather than to threaten punishment. Most involved in the charter school movement have contributed a*

*work level comparable to an entrepreneur - going way beyond the expectations of a "job" often resulting in 60+ hours/week of contribution. Again, we hope the above is meant to encourage and support capacities rather than to punish. Perhaps repeated non-communication and non-participation may be "subject to a finding of noncompliance and may be subject to revocation of its chartering authority."*

21.6. Notices. Unless otherwise specified by law, any official notice required to be given by a Party to this Contract shall be delivered personally or by United States first class mail, postage prepaid, to the Parties" mailing address first indicated in the Contract. A notice shall be deemed to have been received three business days after mailing or at the time of actual receipt, whichever, is earlier.

*COMMENT: Mail from Honolulu to Windward can take as long a week to 10 days to arrive. Without prior indication to expect a communication, parties would not know to expect a notice to ensure compliance or to follow up if the communication was not delivered in three days. Policies should not be set up to create a default potential but to guide for success in meeting expectations.*

**Attachment C**

**Hawai'i Authorizer Performance Evaluation System  
(Revised from February 7, 2019 Student Achievement Committee draft and  
changes shown in redline)**

## Hawai'i Authorizer Performance Evaluation System

### Overview

The Board of Education (“Board”) established the Hawai'i Authorizer Performance Evaluation System (“HAPES”) to review the performance of charter school authorizers pursuant to Hawaii Revised Statutes (“HRS”) Section 302D-11 and Hawaii Administrative Rules (“HAR”) Section 8-515-10.

The objectives of HAPES are to:

- Set clear performance expectations between authorizers and the Board;
- Ensure authorizer accountability through an assessment of authorizer effectiveness in carrying out their duties in a manner consistent with Board Policy [E-700](#) and the spirit and intent of HRS Chapter 302D; and
- Promote high-quality charter schools and authorizing excellence.

HAPES evaluates authorizers against:

- The National Association of Charter School Authorizers’ (“NACSA”) *Principles & Standards for Quality Charter School Authorizing, 2018 Edition*, as applicable to local conditions;
- Their compliance with state laws, Board policies, their authorizing contracts, and existing charter contracts, as applicable; and
- How they applied their established standards and processes with fidelity across their portfolios of charter schools.

### PERFORMANCE EVALUATION PROCESS

A general timeline of the main process activities is below. Exact dates and deadlines are subject to Board Chairperson approval. The timeline below is based on a regular performance evaluation that is conducted periodically for authorizing contract renewal purposes. The timeline and process for a special review, pursuant to HRS Section 302D-11(c) and HAR Section 8-515-12, could may be significantly different and is subject to Board approval.

Approximate Date	Activity
Mid-May	Board notifies authorizer that performance evaluation will be conducted
<del>Early August</del>	<del>Evaluation Team selected</del>
Mid-August	Authorizer submits Performance Evaluation Response Form and attachments
Mid to Late August	Window for Evaluation Team’s initial review
Early September	Evaluation Team interviews authorizer representatives
Early to Mid-September	Evaluation Team surveys and/or interviews representatives from charter schools within authorizer’s portfolio
Mid-September	Evaluation Team holds a public forum to allow public input on authorizer
<del>Early October</del> <del>Late September</del>	Evaluation Team provides authorizer with draft performance evaluation report
<del>Mid-Early</del> October	Authorizer submits written comments on draft performance evaluation report
<del>Late-Mid-</del> October	Final draft of performance evaluation report posted

Formatted Table

Approximate Date	Activity
<del>Early November</del> Mid-October	<del>Student Achievement Committee</del> Board General Business meeting on performance evaluation <u>presentation</u>
Early November	Board General Business Meeting on performance evaluation <u>decision</u>
Early November	Board issues performance evaluation report
Early December	Authorizer submits renewal application*
Early February	Board decides on authorizing contract renewal*
Mid-February	Board issues its decision in writing*

Formatted Table

Formatted Table

\*These activities are not part of the performance evaluation process and only meant to illustrate how the performance evaluation process flows into the process for renewing chartering authority.

Key components of the performance evaluation process are described below:

Performance Evaluation Response Form: The Performance Evaluation Response Form is the form the authorizer will uses to address the guiding questions for each performance measure and provide the necessary documentation and evidence demonstrating its level of performance. The Board Chairperson has the authority to establish and amend the form, as necessary, to implement HAPES. The authorizer ~~is required to~~will submit a completed Performance Evaluation Response Form and appropriate attached documentation to the Board by the date and time set by the Board Chairperson in the notification letter. Any missing or incomplete information will result in negative findings for the respective performance measures.

Authorizer interview(s): The Evaluation Team will interview representatives from the authorizer, either in groups or as individuals, as determined by the Evaluation Team. The interview(s) may clarify information provided in the Performance Evaluation Response Form, gather additional information, and/or internally verify the authorizer’s representations of its performance.

Charter school survey(s) and/or interview(s): The Evaluation Team may survey and/or interview representatives from the authorizer’s portfolio of charter schools, typically for external verification of the authorizer’s representations of its performance. The need for and scope of such surveys and/or interviews are determined by the Evaluation Team.

Public forum: The Evaluation Team will hold a public forum to afford members of the public an opportunity to comment on the performance of the authorizer.

Performance evaluation report: The performance evaluation report is the final report that details the findings, scores, and ratings of the performance evaluation. The performance evaluation report ~~can~~may serve as the performance report for renewal purposes, in accordance with HAR Sections 8-515-11(d) and 8-515-16. ~~In this event~~If the performance evaluation report serves as a performance report for renewal purposes, the final rating from the performance evaluation report determines the contract term length for the renewed authorizing contract and other ~~possible-relevant~~ outcomes described herein, such as corrective actions for deficiencies or nonrenewal of the authorizing contract.

If the Board uses HAPES for a special review outside of the regular performance evaluation, the performance evaluation report ~~can~~may serve as the notice of noncompliance pursuant to HAR Sections 8-515-11(d) and 8-515-13.

~~Student Achievement Committee meeting~~ Board General Business Meeting on performance evaluation presentation: The Board's ~~Student Achievement Committee will consider~~ will receive a presentation from the Evaluation Team on the final draft of the performance evaluation report ~~presented by the Evaluation Team. The Committee will make a recommendation to the full Board to adopt the performance evaluation report as presented or with amendments.~~

Board General Business Meeting on performance evaluation decision: The Board will decide whether to adopt, amend, or remand the performance evaluation report recommended by the ~~Student Achievement Committee~~ Evaluation Team.

## ROLES AND RESPONSIBILITIES

**Board:** In adopting HAPES, the Board authorizes an Evaluation Team, as selected by the ~~Board and~~ Board Chairperson as described below, to conduct each regular authorizer performance evaluation. The Board Chairperson ~~is responsible for~~ will setting the performance evaluation timeline (as described under the performance evaluation process on page 1) and selecting ~~external expert evaluators to be part of an~~ Evaluation Team in accordance with HAPES ~~and in consultation with the Student Achievement Committee Chairperson~~. The Board has final authority to adopt, amend, or remand the performance evaluation report, and the Board will issues the final report to the authorizer.

**Student Achievement Committee:** ~~The Student Achievement Committee reviews the performance evaluation report drafted by the Evaluation Team and recommends adoption, either with or without amendments, to the Board.~~

**Evaluation Team:** The Evaluation Team will conducts the performance evaluation of the authorizer in accordance with HAPES, including reviewing the Performance Evaluation Response Form, interviewing authorizer representatives, surveying and/or interviewing charter school representatives, and holding a public forum. After carefully reviewing all available information about the authorizer in conjunction with the HAPES performance measures, indicators, and specifications (described later in this document), the Evaluation Team ~~is responsible for~~ will writing an initial draft performance evaluation report, providing the draft report to the authorizer for review and comment, and presenting the final draft of the report to the ~~Student Achievement Committee~~ Board.

The Evaluation Team will consist of at least four members, but no more than five, of which at least two, but no more than three, are Board members with the remaining members being external experts. The Board will select the Board member evaluators. The Board Chairperson will select the external expert evaluators. The Board Chairperson may instruct Board staff to gather suggestions for external expert evaluators from Board members in a manner that complies with Sunshine Law (HRS Chapter 92, Part I). The Evaluation Team must have at least one member with expertise in each of the following areas: is selected by the Board Chairperson, in consultation with the Student Achievement Committee Chairperson, and must have at least three members, but no more than five, that meet the following specifications:

- At least one evaluator, but no more than two, must be a Board Member;
- At least one evaluator must be a non-Board Member expert;
  - At least one evaluator must have eCharter school authorizing expertiseat either the state or national level;
  - At least one evaluator must have expertise in finance, accounting, or a related field; and
  - Hawaii's charter school legal framework.

Formatted: Normal, No bullets or numbering

Formatted: Normal, No bullets or numbering

Formatted: Bulleted + Level: 1 + Aligned at: 0.25" + Indent at: 0.5"

- 
- A single evaluator with expertise in more than one of the required areas is qualified to fulfill the Evaluation Team’s constitution requirements in those areas. While not required, other desirable areas of expertise include charter school operations, educational program design or data analysis (particularly as it relates to the authorizer’s mission and vision, if possible), human resources, governance, and/or public administration. While not required, it is desirable for at least one evaluator to have human resources, legal, and/or public administration expertise.

Authorizer: The authorizer ~~is responsible for~~will fully cooperating with the Board and Evaluation Team throughout the performance evaluation process, including submitting a completed Performance Evaluation Response Form and relevant attachments by the deadline, participating in interviews, and providing any supplemental information as requested by the Evaluation Team. The authorizer ~~also will~~ provide contact information for identified school representatives that the Evaluation Team may be interested in contacting. The authorizer will have an opportunity to review and comment on the draft performance evaluation report before it is finalized.

Charter Schools: Key school leadership representatives will assist the Evaluation Team by completing surveys, providing information, and/or participating in interviews as requested. School representatives may be asked to participate in school site visits and/or other key meetings during the performance evaluation process.

#### MEASURES, INDICATORS, AND SPECIFICATIONS

There are two elements to each measure: *Performance Measure* and *Specifications*. These elements set clear expectations of performance levels for measures and apply consistent criteria across all measures for evaluation.

The *Performance Measure* includes:

- Measure: Title of the measure.
- Guiding Question: Defines what is being evaluated.
- Measure Origin: Identifies the source or authority from which the measure originates. These sources are used as reference documents in the evaluation.
- Indicator Level Ratings: Refers to criteria listed in *Performance Measure* levels. An authorizer will receive one of four performance ratings for each measure:
  - Level 3: Exemplary
  - Level 2: Satisfactory
  - Level 1: Improvements Necessary
  - Level 0: Unsatisfactory or Incomplete

The *Specifications* include:

- Definitions (if applicable): Used to define terms that are specific to a measure.
- Specific Data Sources: Documentation an authorizer submits to demonstrate that the authorizing organization sufficiently meets or exceeds the measure. Authorizers may submit additional documentation not included on the list.
- Points Possible: Each measure has a maximum point value, and points are assigned for each measure based on the performance rating achieved for the respective measure. All assigned points are added up to determine an authorizer’s score and overall performance rating.

- **Indicator Level Specifications:** Describes specific evidence or components necessary to achieve the respective indicator level rating. Indicator level specifications may include:
  - Time (duration): Timeframes are applied to certain measures to clearly delineate among the performance indicator levels.
  - Internal Verification: May include the main decision-maker(s) and/or other employees, officers, volunteers, and contractors of the authorizing organization.
  - External Verification: May include charter school representatives in the authorizer’s portfolio, such as the director and/or governing board chair. If responses from external interviews are **inconsistent/limited**, the Board may seek responses from additional charter school representatives in the authorizer’s portfolio.

The guiding question, evaluation and specific data sources, and additional evidence are used as the primary evaluation data sources. However, review documents are not limited to those stated. Review documents are any type of documentation that is available and exists to verify the measure rating.

**SCORES, RATINGS, AND OUTCOMES**

An authorizer’s score is determined by adding together all of the points earned on each performance measure. Scores can range from 0 to 162. The score, as well as other factors, determine an authorizer’s overall rating. The table below illustrates the score range, other requirements, and outcomes for each performance rating.

OVERALL RATING	REQUIREMENTS	OUTCOMES
Exemplary	<ul style="list-style-type: none"> <li>• Score of at least 130</li> <li>• Received at least “Satisfactory” rating on all performance measures</li> </ul>	<ul style="list-style-type: none"> <li>• “Exemplary” authorizer performance recognition*</li> <li>• Authorizing contract renewed for five years</li> </ul>
Satisfactory	<ul style="list-style-type: none"> <li>• Score between 98 and 129</li> <li>• No performance measure received a rating of “Unsatisfactory”</li> </ul>	<ul style="list-style-type: none"> <li>• Authorizing contract renewed for five years</li> <li>• Required to include in annual report corrective actions taken on performance measures not receiving at least “Satisfactory” rating until Board determines sufficient progress</li> </ul>
Improvements Necessary	<ul style="list-style-type: none"> <li>• Score between 57 and 97</li> </ul>	<ul style="list-style-type: none"> <li>• Authorizing contract renewed for a one-year probationary period**</li> <li>• Authority to approve new charter schools, replicate or expand existing charter schools, or accept charter transfers is suspended</li> </ul>
Unsatisfactory	<ul style="list-style-type: none"> <li>• Score less than 57</li> </ul>	<ul style="list-style-type: none"> <li>• Authorizing contract is terminated and authorizer’s chartering authority is revoked</li> </ul>

\*Exemplary recognition may have certain privileges, as determined by the Board, such as expedited charter transfers.

\*\*A one-year probationary authorizing contract requires the authorizer to address all deficient performance measures (any measure not receiving at least a "Satisfactory" rating) in order to receive another authorizing contract. Only the deficient performance measures will be evaluated during the probationary period and will be assessed on a case-by-case basis, depending on the nature and scope of the deficiencies. If the authorizer does not sufficiently address the deficiencies prior to the end of the probationary contract, the authorizing contract is terminated and the authorizer's chartering authority is revoked.

DRAFT

## Summary of Authorizer Performance Measures

### PERFORMANCE MEASURES A: ORGANIZATIONAL CAPACITY AND INFRASTRUCTURE

- A.1: Authorizer Mission
- A.2: Strategic Vision and Organizational Goals
- ~~A.3: Operational Conflicts of Interest~~
- ~~A.4: Self-Evaluation of Capacity, Infrastructure, and Practices~~
- A.35: Structure of Operations
- A.46: Authorizer Leadership and Staff Expertise
- A.57: Capacity and Skill Development of Leadership and Staff
- A.68: Authorizing Operational Budget
- ~~A.74: Self-Evaluation of Capacity, Infrastructure, and Practices~~
- ~~A.83: Operational Conflicts of Interest~~
- A.9: Compliance to Statutory Responsibilities and Board Policies

### PERFORMANCE MEASURES B: APPLICATION PROCESS AND DECISION-MAKING

- B.1: Application Process, Timeline, and Request for Proposals
- B.2: Approval Criteria for Charter School Applications
- B.3: Evaluation and Decision-Making Process
- B.4: Pre-Opening Charter School Process

### PERFORMANCE MEASURES C: PERFORMANCE CONTRACTING

- C.1: Charter Contract Terms, Negotiation, and Execution
- C.2: Charter School Performance Standards

### PERFORMANCE MEASURES D: ONGOING OVERSIGHT AND EVALUATION

- D.1: Process for Ongoing Oversight of Charter Schools
- D.2: Protecting School Autonomy
- D.3: Standards and Processes for Interventions, Corrective Action, and Response to Complaints

### PERFORMANCE MEASURES E: REVOCATION AND RENEWAL DECISION-MAKING

- E.1: Charter Contract Renewal Process and Performance Reports
- E.2: Charter Contract Renewal or Revocation Decisions
- E.3: School Closure Protocol

**PERFORMANCE MEASURES A: ORGANIZATIONAL CAPACITY AND INFRASTRUCTURE**

A.1 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC			
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary
<b>Authorizer Mission</b>	Does the authorizer have a clear and compelling mission for charter school authorizing that aligns with, supports, and advances the intent of law and purpose of charter schools?	<ul style="list-style-type: none"> <li>HRS §302D-6(1)</li> <li>Authorizing Contract</li> <li>NACSA Standard #1 – Planning and Commitment to Excellence</li> </ul>	Mission inadequately aligns with, supports, or advances the intent of Hawaii’s charter school law or the purpose of charter schools as determined by the Board	Mission is not verified internally	Mission adequately aligns with, supports, and advances the intent of Hawaii’s charter school law and the purpose of charter schools as determined by the Board  and  Mission is verified internally	Level 2  and  Mission is verified by external references
A.1 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS			
<b>Specific Data Sources</b> <ul style="list-style-type: none"> <li>Performance Evaluation Response Form:                             <ul style="list-style-type: none"> <li>Brief narrative response addressing guiding question and evidence</li> </ul> </li> <li>Terms of the authorizer’s Authorizing Contract</li> <li>Interviews, surveys, site visits, and independent observations:                             <ul style="list-style-type: none"> <li>Evidence of mission practiced and documented at the authorizing organization</li> </ul> </li> </ul> <b>Points Possible</b> 3 Level 0 = 0 points, Level 1 = 1 points, Level 2 = 2 points, Level 3 = 3 points			Mission in authorizing contract or as described in Performance Evaluation Response Form does not clearly align with, support, or advance the intent of Hawaii’s charter school law or the purpose of charter schools as determined by the Board	Practice or documentation of authorizer’s mission is not verified internally with consistent responses from individuals or independent observations of authorizing organization	Mission in authorizing contract and as described in Performance Evaluation Response Form clearly aligns with, supports, and advances the intent of Hawaii’s charter school law and the purpose of charter schools as determined by the Board  and  Practice and documentation of authorizer’s mission is verified internally with consistent responses from individuals or independent observations of authorizing organization	Level 2 specifications  and  Practice of authorizer’s mission is verified externally with consistent responses from individuals or independent observations of external individuals or organizations

**PERFORMANCE MEASURES A: ORGANIZATIONAL CAPACITY AND INFRASTRUCTURE**

A.2 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC			
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary
<b>Strategic Vision and Organizational Goals</b>	Does the authorizer have and evaluate its work against its comprehensive long-term strategic vision for charter school authorizing with clear organizational goals and timeframes for achievement that align with, support, and advance the intent of law and the purpose of charter schools?	<ul style="list-style-type: none"> <li>• HRS §302D-6(1)</li> <li>• HRS §302D-3(d) (Commission only)</li> <li>• Authorizing Contract</li> <li>• NACSA Standard #1 – Planning and Commitment to Excellence, Advanced Standards</li> </ul>	<p>Vision is missing, vague, inconsistent, or does not clearly state organizational goals or timeframes for achievement</p> <p><i>or</i></p> <p>Vision does not align with state law or the purpose of charter schools</p>	Organizational goals and timeframes for achievement do not align with vision or are not measurable.	<p>(a) Vision aligns with state law and the purpose of charter schools and includes appropriate and measurable organizational goals with timeframes for achievement</p> <p><i>and</i></p> <p>(b) Authorizer evaluates its work against its vision and implements plans for improvement when falling short of its organizational goals</p>	<p>(a) Level 2</p> <p><i>and</i></p> <p>(b) Authorizer has ambitious organizational goals</p> <p><i>and</i></p> <p>(c) Authorizer is actively measuring and achieving most goals within the stated timeframes</p>
A.2 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS			
<p><b>Specific Data Sources</b></p> <ul style="list-style-type: none"> <li>• Performance Evaluation Response Form: <ul style="list-style-type: none"> <li>○ Brief narrative response addressing guiding question and evidence</li> <li>○ Evidence of measurable organizational goals and timeframes for achievement</li> <li>○ Evidence of authorizer engaged in self-evaluation of work against chartering vision and progress towards organizational goals (e.g., strategic plan and/or continuous improvement plans)</li> </ul> </li> <li>• Terms of the authorizer’s Authorizing Contract</li> <li>• Authorizer Annual Report</li> <li>• Interviews, surveys, site visits, and independent observations</li> </ul> <p><b>Points Possible</b> 12 Level 0 = 0 points, Level 1 = 4 points, Level 2 = 8 points, Level 3 = 12 points</p>			One Level 0 indicator	See indicator above	<p>Vision in authorizing contract, annual report(s), and as described in Performance Evaluation Response Form clearly aligns with, supports, and advances the intent of Hawaii’s charter school law and the purpose of charter schools as determined by the Board</p> <p><i>and</i></p> <p>Organizational goals and timeframes for achievement align with vision and are measurable</p> <p><i>and</i></p>	<p>Level 2 specifications</p> <p><i>and</i></p> <p>See indicator (b) above</p> <p><i>and</i></p> <p>Authorizer includes its progress and performance in meeting its goals in its annual reports</p>

			Vision provides appropriate long-term strategies for charter school authorizing <i>and</i> See indicator (b) above	
--	--	--	--	--

DRAFT

**PERFORMANCE MEASURES A—ORGANIZATIONAL CAPACITY AND INFRASTRUCTURE**

A-3 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC					
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary		
<b>Operational Conflicts of Interest</b>	To what degree does the authorizer implement a clear policy to address conflicts of interest in all decision-making processes concerning the portfolio of charter schools?	<ul style="list-style-type: none"> <li>• HRS §5302D-6(1), 202D-8</li> <li>• Authorizing Contract</li> <li>• NACSA Standard #1—Planning and Commitment to Excellence</li> </ul>	<p>(a) Conflict of interest policy for authorizing does not exist or is not consistent with state law</p> <p>or</p> <p>(b) Conflict of interest policy does not effectively address conflicts of interest or is not implemented</p>	Clear conflict of interest policy exists but implementation is inconsistent or inadequate	<p>Clear conflict of interest policy exists and is intentionally implemented in all decision-making processes</p> <p>and</p> <p>Consistent implementation verified internally at authorizing organization</p>	<p>Level 2</p> <p>and</p> <p>Consistent implementation verified by external references (such as school representative validation)</p>		
A-3 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS					
<p><b>Specific Data Sources</b></p> <ul style="list-style-type: none"> <li>• Performance Evaluation Response Form: <ul style="list-style-type: none"> <li>○ Brief narrative response addressing guiding question and evidence</li> <li>○ Authorizer conflict of interest policy</li> <li>○ Authorizer conflict of interest processes and procedures for implementation and execution (could include forms, checklists, etc.)</li> <li>○ A fully documented examples of how the authorizer successfully implemented its conflict of interest policy</li> </ul> </li> <li>• Interviews, surveys, site visits, and independent observations</li> </ul> <p><b>Points Possible</b></p> <p>6</p> <p>Level 0 = 0 points, Level 1 = 2 points, Level 2 = 4 points, Level 3 = 6 points</p>			<p>See indicator (a) above</p> <p>or</p> <p>Numerous conflicts exist between the authorizer and its charter schools or charter school applicants (e.g., staff and board may overlap; authorizer may require school to purchase services from authorizer, funds may be comingled, etc.)</p> <p>or</p> <p>Schools are offered incentives by the authorizer (e.g., may only contract with an authorizer in exchange for services from authorizer)</p> <p>or</p> <p>Authorizer does not consistently follow its conflict of interest policy</p> <p>or</p> <p>Process and procedures for implementation of the conflict of interest policy are unclear or not consistently followed</p> <p>Authorizer avoids conflicts of interest that might affect its capacity to make objective, merit-based application and renewal decisions and avoids decisions and interventions that hold the authorizer accountable for a school's performance</p> <p>and</p> <p>Authorizer is able to provide at least two fully documented examples of how it has successfully implemented its conflict of interest policy</p> <p>and</p> <p>Implementation of conflict of interest policy is verified internally with consistent</p>				<p>Level 2 specifications</p> <p>and</p> <p>Consistent implementation and effectiveness of the authorizer's conflict of interest policy is verified externally with responses from external individuals</p>	

	Authorizer's decisions are improperly influenced by a service provider or the school board		responses from decision makers or independent observations of authorizing organization	
--	--	--	--	--

DRAFT

**PERFORMANCE MEASURES A—ORGANIZATIONAL CAPACITY AND INFRASTRUCTURE**

A-4 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC															
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary												
<p><b>Self-Evaluation of Capacity, Infrastructure, and Practices</b></p>	<p>To what degree does the authorizer regularly self-evaluate its internal ability (capacity, infrastructure, and practices) to oversee the portfolio of charter schools and develops continuous improvement plans to address findings of self-evaluation?</p>	<ul style="list-style-type: none"> <li>• HRS §202D-6(1)</li> <li>• MACSA Standard #1—Planning and Commitment to Excellence</li> </ul>	<p>Authorizer does not evaluate its internal ability to oversee the portfolio of charter schools</p>	<p>Authorizer occasionally conducts an evaluation, against national standards, of its internal ability to oversee the portfolio of charter schools</p> <p>or</p> <p>Authorizer does not develop or implement continuous improvement plans to address findings of self-evaluation</p>	<p>Authorizer regularly conducts an evaluation, against national standards and its organizational goals, of its internal ability to oversee the portfolio of charter schools</p> <p>and</p> <p>Authorizer develops and implements continuous improvement plans to address findings of self-evaluation</p>	<p>Level 2</p> <p>and</p> <p>Implementation of continuous improvement plans have resulted in more effective authorizing practices, one or more of which may be externally recognized, such as by the Board, NACSA, and/or another organization</p>												
A-4 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS															
<p><b>Specific Data Sources</b></p> <ul style="list-style-type: none"> <li>• Performance Evaluation Response Form:                             <ul style="list-style-type: none"> <li>○ Brief narrative response addressing guiding question and evidence if different from most recent authorizer annual report</li> <li>○ Authorizer self-evaluation tool(s), schedule, tracking, and progress development</li> <li>○ An example of authorizer strategic plan(s), continuous improvement plan(s), and/or staff development based on self-evaluations</li> <li>○ Documentation of authorizing practices that were recognized externally (e.g., Board, NACSA, and/or other organizations)</li> </ul> </li> <li>• Authorizer annual report</li> <li>• Interviews, surveys, site visits, and independent observations</li> </ul> <p><b>Points Possible</b></p> <p>12</p> <p>Level 0 = 0 points, Level 1 = 4 points, Level 2 = 8 points, Level 3 = 12 points</p>			<p>Evidence of a self-evaluation does not exist</p> <p>or</p> <p>Self-evaluation does not effectively assess internal ability</p> <p>or</p> <p>Self-evaluation does not use national standards and authorizer's organizational goals</p>				<p>Authorizer conducts self-evaluations, but they are not regularly scheduled or executed</p> <p>or</p> <p>Continuous improvement plans are either non-existent, not designed to address the findings resulting from the self-evaluation, or not implemented</p>				<p>Authorizer has a schedule of self-evaluations (both planned and executed) demonstrating regular reviews</p> <p>and</p> <p>Continuous improvement plans are clearly designed to address findings resulting from the self-evaluation</p> <p>and</p> <p>Authorizer provides evidence of the implementation of continuous improvement plans</p>				<p>Level 2 specifications</p> <p>and</p> <p>Evidence that authorizer received external recognition for authorizing practices as a result of its continuous improvement plans</p>			

**PERFORMANCE MEASURES A: ORGANIZATIONAL CAPACITY AND INFRASTRUCTURE**

A.35 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC			
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary
<b>Structure of Operations</b>	To what degree does the authorizer operate with a clear structure of duties and responsibilities, including appropriate lines of authority and delegation of duties between decision-makers and staff, and sufficient resources to effectively oversee its portfolio of charter schools?	<ul style="list-style-type: none"> <li>HRS §302D-6(1)</li> <li>NACSA Standard #1 – Human Resources</li> </ul>	Structure of duties and responsibilities is unclear, inconsistent, inappropriate or illegal for an authorizer, or at a level inadequate to meet the authorizing needs of the portfolio	Clear structure of duties and responsibilities exists, but staffing or resources are at a level that is not specifically tailored to meet the current authorizing needs of the portfolio	Clear structure of duties and responsibilities is defined and charted, and authorizer’s staffing and resources are specifically tailored to meet the current authorizing needs of the portfolio	Level 2 <i>and</i> Understanding of the structure of duties and responsibilities is verified internally at authorizing organization <i>and</i> Understanding of the structure of duties and responsibilities are verified externally (such as school governing board validation)
A.5 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS			
<b>Specific Data Sources</b> <ul style="list-style-type: none"> <li>Performance Evaluation Response Form:                             <ul style="list-style-type: none"> <li>Brief narrative response addressing guiding question and evidence</li> <li>Job descriptions of authorizer’s personnel (e.g., employees, contractors, volunteers; both paid and unpaid positions, etc.)</li> <li>Most recent organizational chart that shows clear lines of reporting and authority/decision-making</li> <li>If applicable, authorizer staffing changes since last annual report, including staffing size (in FTEs) compared to portfolio size</li> </ul> </li> <li>Authorizer annual report</li> <li>Interviews, surveys, site visits, and independent observations</li> </ul> <b>Points Possible</b> 9 Level 0 = 0 points, Level 1 = 3 points, Level 2 = 6 points, Level 3 = 9 points			See indicator above	See indicator above	See indicator above <i>and</i> Evidence that resources were specifically tailored to meet current authorizing needs <i>and</i> If applicable, changes were made to the organizational structure when necessary	Structure of duties, responsibilities, and staffing levels are verified internally with consistent responses from individuals or independent observations of authorizing organization <i>and</i> Authorizer practices are consistently verified externally with consistent responses from individuals or independent observations of external individuals or organizations

**PERFORMANCE MEASURES A: ORGANIZATIONAL CAPACITY AND INFRASTRUCTURE**

A.46 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC			
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary
<b>Authorizer Leadership and Staff Expertise</b>	To what degree does the authorizing staff have or have access to appropriate experience, expertise, and skills to sufficiently oversee the portfolio of charter schools?	<ul style="list-style-type: none"> <li>HRS §302D-6(1)</li> <li>NACSA Standard #1 – Human Resources</li> </ul>	Authorizing staff does not have appropriate experience, expertise, and skills in most essential authorizing areas	Authorizing staff has experience, expertise, and skills in most, but not all, essential authorizing areas	Authorizing staff has experience, expertise, and skills in all essential authorizing areas	<p>Authorizing staff has strong experience, expertise, and skills in all essential authorizing areas to effectively oversee the portfolio of charter schools</p> <p><i>and</i></p> <p>Experience, expertise, and skills are specifically tailored to needs of the portfolio of charter schools</p>
A.6 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS			
<p><b>Definitions</b></p> <ul style="list-style-type: none"> <li>“Authorizing staff” refers to both paid and unpaid individuals, including board members and contractors</li> <li>“Essential authorizing areas” includes, but is not limited to, education leadership; curriculum, instruction, and assessment; special education, English Language Learners, and other diverse learning needs; performance management and accountability; <u>federal, state, and county law and Board of Education policies</u>; finance; facilities; and nonprofit governance and management</li> <li>“Expertise” is defined as having knowledge, education, training, etc. in essential authorizing areas</li> <li>“Experience” is defined as length of time working in essential authorizing areas</li> <li>“Skills” is defined as effective application of experience and expertise in essential authorizing areas</li> </ul> <p><b>Specific Data Sources</b></p> <ul style="list-style-type: none"> <li>Performance Evaluation Response Form: <ul style="list-style-type: none"> <li>Brief narrative response addressing guiding question and evidence</li> <li>Current resumes of existing personnel, including contracted individuals with employment/contract terms</li> <li>If not included in the resume, conference or workshop certificates of completion or participation, licenses, certifications, degrees, etc. documenting staff expertise</li> </ul> </li> <li>Interviews, surveys, site visits, and independent observations</li> </ul>			See indicator above	See indicator above	See indicator above	See indicator above

Points Possible

9

Level 0 = 0 points, Level 1 = 3 points, Level 2 = 6 points, Level 3 = 9 points

DRAFT

**PERFORMANCE MEASURES A: ORGANIZATIONAL CAPACITY AND INFRASTRUCTURE**

A.57 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC			
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary
<b>Capacity and Skill Development of Leadership and Staff</b>	To what degree does the authorizer ensure a commitment to quality authorizing and enable continual agency improvement through regular professional development of its authorizing leadership and staff that is aligned with its mission, vision, and organizational goals?	<ul style="list-style-type: none"> <li>HRS §302D-6(1)</li> <li>NACSA Standard #1 – Planning and Commitment to Excellence; Human Resources</li> </ul>	Professional development is rarely offered or not offered to authorizing leadership and staff	Professional development offered to authorizing leadership and staff is not clearly aligned to the authorizer’s mission, vision, and organizational goals  or  Professional development for authorizing leadership and staff is offered irregularly	Professional development regularly offered to authorizing leadership and staff that is aligned to the authorizer’s mission, vision, and organizational goals	Level 2  and  Professional development is differentiated  and  Outcomes of professional development are measured and evaluated
A.7 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS			
<b>Specific Data Sources</b> <ul style="list-style-type: none"> <li>Performance Evaluation Response Form:                             <ul style="list-style-type: none"> <li>Brief narrative response addressing guiding question and evidence</li> <li>Documentation of training offered to new members to the authorizing board, leadership, and staff within the last 12 months</li> <li>Documentation of professional development offered to authorizing staff within the last 12 months; how the professional development addressed a needed skill base for the authorizer, authorizing leadership and staff; and how the professional development aligns with operations, vision, and goals for authorizer oversight of its portfolio of schools</li> </ul> </li> <li>Interviews, surveys, site visits, and independent observations</li> </ul> <b>Points Possible</b> 12 Level 0 = 0 points, Level 1 = 4 points, Level 2 = 8 points, Level 3 = 12 points			See indicator above  or  Training on the core principles of authorizing is not offered to new members of the authorizing leadership and staff	Professional development does not clearly build the skill base of the authorizing leadership and staff to accomplish the authorizer’s mission, vision, and organizational goals  or  Professional development is not planned or is primarily issue or incident specific	Professional development is regular and ongoing  and  Professional development is intentional and planned to build the skill base of the authorizing leadership and staff to accomplish the authorizer’s mission, vision, and organizational goals	Level 2 specifications  and  Professional development is measured, evaluated, and customized to meet the needs of the authorizer, authorizing leadership, and staff

**PERFORMANCE MEASURES A: ORGANIZATIONAL CAPACITY AND INFRASTRUCTURE**

A.8 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC			
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary
<b>Authorizing Operational Budget</b>	To what degree is the authorizer's actual resource allocation commensurate with its stated budget and responsibilities of authorizing the portfolio of charter schools?	<ul style="list-style-type: none"> <li>HRS §302D-6(1)</li> <li>NACSA Standard #1 – Financial Resources</li> </ul>	Resource allocations for authorizing fall short of resources committed in its budget  and  Resource allocations are insufficient to fulfill authorizing responsibilities	Resource allocations for authorizing fall short of resources committed in its budget  or  Resource allocations are insufficient to fulfill authorizing responsibilities	Resource allocations for authorizing are sufficient to fulfill authorizing responsibilities for the scale of the portfolio and commensurate with its stated budget	Level 2  and  Resource allocations are sufficient to advance the authorizer's organizational goals
A.8 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS			
<b>Specific Data Sources</b> <ul style="list-style-type: none"> <li>Performance Evaluation Response Form:                             <ul style="list-style-type: none"> <li>Brief narrative response addressing guiding question and evidence</li> <li>Explanation of any significant variances between budgeted and actual expenditures</li> <li>If applicable, explanation of how resource allocations advanced authorizer's organizational goals</li> </ul> </li> <li>Annual budget and audited expenditures</li> <li>Interviews, surveys, site visits, and independent observations</li> </ul> <b>Points Possible</b> 9 Level 0 = 0 points, Level 1 = 3 points, Level 2 = 6 points, Level 3 = 9 points			See indicators above	Level 2 indicators were met but have not been established or implemented for a full fiscal year  or  One Level 1 indicator	For at least the last completed fiscal year:  Authorizer demonstrates resource allocations are adequate to fulfill authorizing responsibilities and the needs and scale of its portfolio (e.g., income, expenditures, number and size of the charter schools in the portfolio)  and  Resource allocation aligns with authorizer's budget, or significant variances in resource reallocation is adequately justified	Level 2 specifications were met for at least the last two completed fiscal years  and  Authorizer demonstrates resource allocations advance authorizer's organizational goals

**PERFORMANCE MEASURES A: ORGANIZATIONAL CAPACITY AND INFRASTRUCTURE**

A.74 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC															
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary												
<p><b>Self-Evaluation of Capacity, Infrastructure, and Practices</b></p>	<p>To what degree does the authorizer regularly self-evaluate its internal ability (capacity, infrastructure, and practices) to oversee the portfolio of charter schools and develops continuous improvement plans to address findings of self-evaluation?</p>	<ul style="list-style-type: none"> <li>HRS §302D-6(1)</li> <li>NACSA Standard #1 – Planning and Commitment to Excellence</li> </ul>	<p>Authorizer does not evaluate its internal ability to oversee the portfolio of charter schools</p>	<p>Authorizer occasionally conducts an evaluation, against national standards, of its internal ability to oversee the portfolio of charter schools</p> <p>or</p> <p>Authorizer does not develop or implement continuous improvement plans to address findings of self-evaluation</p>	<p>Authorizer regularly conducts an evaluation, against national standards and its organizational goals, of its internal ability to oversee the portfolio of charter schools</p> <p>and</p> <p>Authorizer develops and implements continuous improvement plans to address findings of self-evaluation</p>	<p>Level 2</p> <p>and</p> <p>Implementation of continuous improvement plans have resulted in more effective authorizing practices, one or more of which may be externally recognized, such as by the Board, NACSA, and/or another organization</p>												
A.4 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS															
<p><b>Specific Data Sources</b></p> <ul style="list-style-type: none"> <li>Performance Evaluation Response Form:                             <ul style="list-style-type: none"> <li>Brief narrative response addressing guiding question and evidence if different from most recent authorizer annual report</li> <li>Authorizer self-evaluation tool(s), schedule, tracking, and progress development</li> <li>An example of authorizer strategic plan(s), continuous improvement plan(s), and/or staff development based on self-evaluations</li> <li>Documentation of authorizing practices that were recognized externally (e.g., Board, NACSA, and/or other organizations)</li> </ul> </li> <li>Authorizer annual report</li> <li>Interviews, surveys, site visits, and independent observations</li> </ul> <p><b>Points Possible</b></p> <p>12</p> <p>Level 0 = 0 points, Level 1 = 4 points, Level 2 = 8 points, Level 3 = 12 points</p>			<p>Evidence of a self-evaluation does not exist</p> <p>or</p> <p>Self-evaluation does not effectively assess internal ability</p> <p>or</p> <p>Self-evaluation does not use national standards and authorizer’s organizational goals</p>				<p>Authorizer conducts self-evaluations, but they are not regularly scheduled or executed</p> <p>or</p> <p>Continuous improvement plans are either non-existent, not designed to address the findings resulting from the self-evaluation, or not implemented</p>				<p>Authorizer has a schedule of self-evaluations (both planned and executed) demonstrating regular reviews</p> <p>and</p> <p>Continuous improvement plans are clearly designed to address findings resulting from the self-evaluation</p> <p>and</p> <p>Authorizer provides evidence of the implementation of continuous improvement plans</p>				<p>Level 2 specifications</p> <p>and</p> <p>Evidence that authorizer received external recognition for authorizing practices as a result of its continuous improvement plans</p>			

**PERFORMANCE MEASURES A: ORGANIZATIONAL CAPACITY AND INFRASTRUCTURE**

A.3 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC			
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary
<b>Operational Conflicts of Interest</b>	To what degree does the authorizer implement a clear policy to address conflicts of interest in all decision-making processes concerning the portfolio of charter schools?	<ul style="list-style-type: none"> <li>HRS §§302D-6(1), 302D-8</li> <li>Authorizing Contract</li> <li>NACSA Standard #1 – Planning and Commitment to Excellence</li> </ul>	<p>(a) Conflict of interest policy for authorizing does not exist or is not consistent with state law</p> <p>or</p> <p>(b) Conflict of interest policy does not effectively address conflicts of interest or is not implemented</p>	<p>Clear conflict of interest policy exists but implementation is inconsistent or inadequate</p>	<p>Clear conflict of interest policy exists and is intentionally implemented in all decision-making processes</p> <p>and</p> <p>Consistent implementation verified internally at authorizing organization</p>	<p>Level 2</p> <p>and</p> <p>Consistent implementation verified by external references (such as school representative validation)</p>
A.3 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS			
<p><b>Specific Data Sources</b></p> <ul style="list-style-type: none"> <li>Performance Evaluation Response Form:                             <ul style="list-style-type: none"> <li>Brief narrative response addressing guiding question and evidence</li> <li>Authorizer conflict of interest policy</li> <li>Authorizer conflict of interest processes and procedures for implementation and execution (could include forms, checklists, etc.)</li> <li>A fully documented examples of how the authorizer successfully implemented its conflict of interest policy</li> </ul> </li> <li>Interviews, surveys, site visits, and independent observations</li> </ul> <p><b>Points Possible</b></p> <p>6</p> <p>Level 0 = 0 points, Level 1 = 2 points, Level 2 = 4 points, Level 3 = 6 points</p>			<p>See indicator (a) above</p> <p>or</p> <p>Numerous conflicts exist between the authorizer and its charter schools or charter school applicants (e.g., staff and board may overlap, authorizer may require school to purchase services from authorizer, funds may be comingled, etc.)</p> <p>or</p> <p>Schools are offered incentives by the authorizer (e.g., may only contract with an authorizer in exchange for services from authorizer)</p> <p>or</p>	<p>Authorizer does not consistently follow its conflict of interest policy</p> <p>or</p> <p>Process and procedures for implementation of the conflict of interest policy are unclear or not consistently followed</p>	<p>Authorizer avoids conflicts of interest that might affect its capacity to make objective, merit-based application and renewal decisions and avoids decisions and interventions that hold the authorizer accountable for a school's performance</p> <p>and</p> <p>Authorizer is able to provide at least two fully documented examples of how it has successfully implemented its conflict of interest policy</p> <p>and</p> <p>Implementation of conflict of interest policy is verified internally with consistent</p>	<p>Level 2 specifications</p> <p>and</p> <p>Consistent implementation and effectiveness of the authorizer's conflict of interest policy is verified externally with responses from external individuals</p>

	<u>Authorizer's decisions are improperly influenced by a service provider or the school board</u>		<u>responses from decision makers or independent observations of authorizing organization</u>	
--	---	--	---	--

DRAFT

**PERFORMANCE MEASURES A: ORGANIZATIONAL CAPACITY AND INFRASTRUCTURE**

A.9 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC			
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary
<p><b>Compliance to Statutory Responsibilities and Board Policies</b></p>	<p>To what degree does the authorizer comply with its statutory responsibilities, including authorizer reporting and the appropriate distribution of funds to its charter schools, <u>and Board policies</u>?</p>	<ul style="list-style-type: none"> <li>• HRS §§302D-5(b), 302D-7</li> <li>• <u>Board Policies</u></li> <li>• Authorizing Contract</li> </ul>	<p>Authorizer is consistently noncompliant with its statutory responsibilities <u>or Board policies</u></p>	<p>Authorizer is occasionally noncompliant with its statutory responsibilities <u>or Board policies</u></p>	<p>Authorizer consistently complies with its statutory responsibilities <u>and Board policies</u></p>	<p>Level 2 <i>and</i> Annual reports contain longitudinal data and analyses explaining performance trends of the portfolio of schools <i>and</i> Appropriateness of funds distribution is verified by external references (such as school directors)</p>
A.9 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS			
<p><b>Specific Data Sources</b></p> <ul style="list-style-type: none"> <li>• Performance Evaluation Response Form: <ul style="list-style-type: none"> <li>○ Brief narrative response addressing guiding question and evidence</li> <li>○ Evidence and justification demonstrating that funds were appropriately distributed to the charter schools within the authorizer’s portfolio each year since last authorizer evaluation or approval of authorizer application, whatever is most recent</li> </ul> </li> <li>• Authorizer annual reports</li> <li>• Interviews, surveys, site visits, and independent observations</li> </ul> <p><b>Points Possible</b> 9 Level 0 = 0 points, Level 1 = 3 points, Level 2 = 6 points, Level 3 = 9 points</p>			<p>Over the last two or more years the authorizer was consistently noncompliant in one or more areas listed under HRS §302D-5(b), <u>other applicable laws, or applicable Board policies</u></p> <p><i>or</i></p> <p>Authorizer is unable to provide evidence and justification that demonstrates that funds were appropriately distributed</p> <p><i>or</i></p> <p>Since the last authorizer evaluation, at least one</p>	<p>Over the last two or more years the authorizer was occasionally noncompliant in one or more areas listed under HRS §302D-5(b), <u>other applicable laws, or applicable Board policies</u></p> <p><i>or</i></p> <p>Since the last authorizer evaluation, at least one authorizer annual report was not submitted by the deadlines set by law and the Board</p> <p><i>or</i></p> <p>Since the last authorizer evaluation, at least one</p>	<p>Over the last two years the authorizer was consistently compliant in all areas listed under HRS §302D-5(b), <u>other applicable laws, and applicable Board policies</u></p> <p><i>and</i></p> <p>Since the last authorizer evaluation, all authorizer annual reports were submitted to the Board and Legislature on time and with complete information</p> <p><i>and</i></p>	<p>Level 2 specifications <i>and</i> Two most recent annual reports contain longitudinal data and analyses explaining performance trends of the portfolio of schools <i>and</i> Appropriateness of fund distribution is externally verified with consistent responses from interviewed individuals</p>

	<p>authorizer annual report was not submitted</p>	<p>authorizer annual report did not contain all information required by law and the Board</p>	<p>Since the last authorizer evaluation, all authorizer annual reports clearly described the authorizer's progress in achieving its organizational goals</p> <p><i>and</i></p> <p>Authorizer is able to provide evidence and justification that demonstrate that funds were appropriately distributed</p>	
--	---	---	---	--

DRAFT

**PERFORMANCE MEASURES B: APPLICATION PROCESS AND DECISION-MAKING**

B.1 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC			
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary
<p><b>Application Process, Timeline, and Request for Proposals</b></p>	<p>To what degree does the authorizer have a comprehensive and well-publicized application process that includes realistic timelines, fair and transparent procedures, and guidance that clearly describes each stage of the process?</p> <p>To what degree is the authorizer’s request for proposals clear, comprehensive, and aligned to its mission, vision, and organizational goals?</p>	<ul style="list-style-type: none"> <li>• HRS §§302D-5(a)(1), 302D-6(2), 302D-13</li> <li>• Authorizing Contract</li> <li>• NACSA Standard #2 – Fair, Transparent, Quality-Focused Procedures; Proposal Information, Questions, and Guidance</li> </ul>	<p>Process or request for proposal lacks many required elements</p> <p><i>or</i></p> <p>Request for proposal does not align to the authorizer’s mission, vision, and organizational goals</p>	<p>Process or request for proposal lacks some required elements</p> <p><i>or</i></p> <p>Request for proposal reflects some alignment to the authorizer’s mission, vision, and organizational goals</p>	<p>Process is comprehensive and well-publicized to a wide audience</p> <p><i>and</i></p> <p>Request for proposal is clear, comprehensive, and aligned to the authorizer’s mission, vision, and organizational goals</p>	<p>(a) Level 2</p> <p><i>and</i></p> <p>(b) Publication of process and request for proposal are targeted to audiences that may be able to assist with achieving authorizer’s vision and organizational goals</p> <p><i>and</i></p> <p>(c) Request for proposal is clearly designed to assist in the achievement of the authorizer’s vision and organizational goals</p>
B.1 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS			
<p><b>Specific Data Sources</b></p> <ul style="list-style-type: none"> <li>• Performance Evaluation Response Form: <ul style="list-style-type: none"> <li>○ Brief narrative response addressing guiding question and evidence</li> <li>○ Charter school application, request for proposals, policies, procedures, timelines, and processes used in the last 12 months</li> </ul> </li> <li>• Interviews, surveys, site visits, and independent observations</li> </ul> <p><b>Points Possible</b></p> <p>9</p> <p>Level 0 = 0 points, Level 1 = 3 points, Level 2 = 6 points, Level 3 = 9 points</p>		<p>Process and request for proposals are missing two or more elements required by law</p> <p><i>or</i></p> <p>Three or more elements under Level 2 (b) specification are not met</p>	<p>Process and request for proposals are missing one element required by law</p> <p><i>or</i></p> <p>One or two elements under Level 2 (b) specification are not met</p>	<p>(a) Process and request for proposals contains all of the elements required by law</p> <p><i>and</i></p> <p>(b) Process and request for proposals contains the following elements:</p> <ul style="list-style-type: none"> <li>• Process broadly invites and solicits charter applications while publicizing the authorizer’s vision and chartering priorities;</li> </ul>	<p>Level 2 specifications were met for at least the last three years</p> <p><i>and</i></p> <p>Level 3 indicators (b) and (c)</p>	

			<ul style="list-style-type: none"> <li>• Process allows sufficient time for each stage of the application process to be carried out with quality and integrity;</li> <li>• Process has fair and transparent procedures, including informing applicants of their rights and responsibilities and promptly notifying applicants of approval or denial, while explaining the factors that determined the decision;</li> <li>• Process clearly explains how each stage of the application process is conducted and evaluated;</li> <li>• Request for proposals articulates comprehensive application questions to elicit the information needed for rigorous evaluation of applicants' plans and capacities; and</li> <li>• Request for proposals states the authorizer's chartering priorities that align to its organizational goals</li> </ul>	
--	--	--	---	--

DRAFT

**PERFORMANCE MEASURES B: APPLICATION PROCESS AND DECISION-MAKING**

B.2 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC			
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary
<b>Approval Criteria for Charter School Applications</b>	To what degree does the authorizer have clear and comprehensive approval criteria that align with law and allow it to rigorously evaluate new charter school proposals?	<ul style="list-style-type: none"> <li>HRS §§302D-5(a)(1), 302D-6(2), 302D-13</li> <li>Authorizing Contract</li> <li>NACSA Standard #2 – Rigorous Approval Criteria</li> </ul>	Approval criteria are missing, incomplete, not comprehensive, or vague	(a) Approval criteria are stated but do not clearly align with law or (b) Criteria do not clearly allow for rigorous evaluation of new charter school proposals	(a) Approval criteria clearly align with law and (b) Criteria are clear, comprehensive, and allow for rigorous evaluation of new charter school proposals	Consistent application of Level 2
B.2 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS			
<b>Specific Data Sources</b> <ul style="list-style-type: none"> <li>Performance Evaluation Response Form:                             <ul style="list-style-type: none"> <li>Brief narrative response addressing guiding question and evidence</li> <li>Charter application approval criteria used in the last 12 months (or, if authorizer has not recently accepted or reviewed charter applications, the most recently adopted charter application approval criteria)</li> </ul> </li> <li>Interviews, surveys, site visits, and independent observations</li> </ul> <b>Points Possible</b> 3 Level 0 = 0 points, Level 1 = 1 points, Level 2 = 2 points, Level 3 = 3 points			See indicator above	Level 1 (a) indicator and Criteria requires applicants to present only some of the following information: a clear and compelling mission; strong academic, financial, organizational, and operational plans; and clear evidence of the applicant’s capacity to execute such plans or Distinct criteria are provided for two or less of the following: applicants who are existing school operators; proposing to contract with education service or management providers; or proposing to operate virtual charter schools	Level 2 (a) indicator and Criteria requires all applicants to present a clear and compelling mission; strong academic, financial, organizational, and operational plans; and clear evidence of the applicant’s capacity to execute such plans and Distinct criteria are provided for applicants who are existing school operators, proposing to contract with education service or management providers, and proposing to operate virtual charter schools	Level 2 specifications were met for at least the last three years

**PERFORMANCE MEASURES B: APPLICATION PROCESS AND DECISION-MAKING**

B.3 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC			
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary
<b>Evaluation and Decision-Making Process</b>	<p>To what degree does the authorizer have clear and comprehensive evaluation process standards to ensure qualified internal and external evaluators rigorously evaluate new charter school proposals?</p> <p>To what degree did the authorizer's decisions and resulting actions align to its stated approval criteria and evaluation process standards?</p>	<ul style="list-style-type: none"> <li>HRS §§302D-5(a)(1), 302D-5(a)(2), 302D-5(a)(3), 302D-6(2), 302D-13</li> <li>Authorizing Contract</li> <li>NACSA Standard #2 – Rigorous Decision Making</li> </ul>	<p>Authorizer's evaluation process standards lack many required elements</p> <p><i>or</i></p> <p>Evaluation team does not include both internal and external evaluators</p> <p><i>or</i></p> <p>Authorizer's decisions and resulting actions does not align with its approval criteria and process standards</p>	<p>Authorizer's evaluation process standards lack some required elements</p> <p><i>or</i></p> <p>Evaluation team has internal and external evaluators, but not all evaluators are qualified in essential areas</p> <p><i>or</i></p> <p>Authorizer's decisions and resulting actions reflects some alignment with its approval criteria and evaluation process standards</p>	<p>Authorizer's evaluation process standards are clear and comprehensive</p> <p><i>and</i></p> <p>Evaluation team has internal and external evaluators who are qualified in essential areas</p> <p><i>and</i></p> <p>Authorizer's decisions and resulting actions align with its approval criteria and evaluation process standards</p>	<p>(a) Consistent application of Level 2</p> <p><i>and</i></p> <p>(b) If applicable, if an application includes an area of specialization (<i>e.g.</i>, language immersion dropout recovery), at least one evaluator has expertise in that area</p>
B.3 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS			
<p><b>Specific Data Sources</b></p> <ul style="list-style-type: none"> <li>Performance Evaluation Response Form: <ul style="list-style-type: none"> <li>Brief narrative response addressing guiding question and evidence</li> <li>Summary of applications, qualifications of individuals who reviewed the application and those who served on the evaluation team, and authorizer decisions since last authorizer evaluation or approval of authorizer application, whatever is most recent</li> <li>A recent example of a charter application evaluation process (from beginning to end)</li> </ul> </li> <li>If applicable, appeals of authorizer decisions on new charter school proposals</li> <li>Interviews, surveys, site visits, and independent observations</li> </ul> <p><b>Points Possible</b> 6 Level 0 = 0 points, Level 1 = 3 points, Level 2 = 6 points, Level 3 = 9 points</p>			<p>Four or more elements under Level 2 (a) specification are not met</p> <p><i>or</i></p> <p>If authorizer completed an application process within the last 12 months:</p> <p>Evaluation team did not have internal and external evaluators</p>	<p>One to three elements under Level 2 (a) specification are not met</p> <p><i>or</i></p> <p>If authorizer completed an application process within the last 12 months:</p> <p>Evaluation team had internal and external evaluators, but not all evaluators had relevant expertise or experience in the</p>	<p>(a) Evaluation process standards contain the following elements:</p> <ul style="list-style-type: none"> <li>Thorough review of a written proposal;</li> <li>A substantive in-person interview with each qualified applicant;</li> <li>Other due diligence to examine the applicant's experience and capacity;</li> </ul>	<p>Level 2 specification (a) was met for at least the last two years</p> <p><i>and</i></p> <p>Level 2 specification (b) was applied for at least the last two years</p> <p><i>and</i></p> <p>Level 3 indicator (b)</p>

	<p><i>or</i></p> <p>Authorizer’s decisions and resulting actions are frequently inconsistent with the stated approval criteria and evaluation process standards</p>	<p>essential areas of educational planning, governance, financial management, and school accountability</p> <p><i>or</i></p> <p>Authorizer’s decisions and resulting actions are occasionally inconsistent with the stated approval criteria and evaluation process standards</p>	<ul style="list-style-type: none"> <li>• Evaluation conducted by knowledgeable and competent evaluators;</li> <li>• Evaluators document evidence to support whether the applicant meets the each of the approval criteria;</li> <li>• Authorizer provides training to evaluators to ensure consistent evaluation standards and practices, observance of essential protocols, and fair treatment of applicants;</li> <li>• The resulting evaluation and authorizer decision clearly communicates to applicants specific reasons approval or denial; and</li> <li>• Authorizer ensures that the application evaluation process and decision making are free of conflicts of interest and requires full disclosure of any potential or perceived conflicts of interest between evaluators or decision makers and applicants</li> </ul> <p><i>and</i></p> <p>(b) If authorizer completed an application process within the last 12 months:</p> <p>Evaluation team had internal and external evaluators with relevant expertise or experience in the essential areas of educational planning, governance, financial</p>	
--	---	---	--	--

			management, and school accountability <i>and</i> Authorizer granted charters only to applicants that have demonstrated competence and capacity to succeed in all aspects of the school, consistent with the stated approval criteria and evaluation process standards	
--	--	--	---	--

DRAFT

**PERFORMANCE MEASURES B: APPLICATION PROCESS AND DECISION-MAKING**

B.4 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC									
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary						
<b>Pre-Opening Charter School Process</b>	To what degree does the authorizer have clear and comprehensive pre-opening processes and criteria to determine the readiness of a pre-opening charter school to commence operations on a reasonable timeline?	<ul style="list-style-type: none"> <li>• HRS §§302D-5(a), 302D-6(4), 302D-14.5</li> <li>• Authorizing Contract</li> <li>• NACSA Standard #3 – Contract Term, Negotiation, and Execution</li> </ul>	<p>There is no documented evidence of a formal pre-opening process</p> <p><i>or</i></p> <p>Pre-opening criteria lack many required elements</p>	<p>Pre-opening process is vague or on an unreasonable timeline</p> <p><i>or</i></p> <p>Pre-opening criteria lack some required elements</p>	<p>Pre-opening process is clear and on a reasonable timeline</p> <p><i>and</i></p> <p>Pre-opening criteria are clear and comprehensive</p>	<p>(a) Level 2</p> <p><i>and</i></p> <p>(b) Demonstration of a smooth opening of a charter school because of the pre-opening process and criteria</p>						
B.4 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS									
<p><b>Specific Data Sources</b></p> <ul style="list-style-type: none"> <li>• Performance Evaluation Response Form: <ul style="list-style-type: none"> <li>○ Brief narrative response addressing guiding question and evidence</li> <li>○ Pre-opening process and criteria</li> <li>○ A recent example of a pre-opening process (from beginning to end)</li> <li>○ If applicable, evidence of a smooth charter school opening</li> </ul> </li> <li>• If applicable, appeals of authorizer decisions on new charter school proposals</li> <li>• Interviews, surveys, site visits, and independent observations</li> </ul> <p><b>Points Possible</b> 3 Level 0 = 0 points, Level 1 = 1 points, Level 2 = 2 points, Level 3 = 3 points</p>			<p>Level 2 (a) specification is not met</p> <p><i>or</i></p> <p>Both elements under Level 2 (b) specification are not met</p> <p><i>or</i></p> <p>Two or more elements under Level 2 (c) specification are not met</p>				<p>One of element under Level 2 (b) specification is not met</p> <p><i>or</i></p> <p>One of element under Level 2 (c) specification is not met</p>		<p>(a) Pre-opening process and criteria ensure that the charter school will not be significantly different upon opening from what was described in the authorizer approved application</p> <p><i>and</i></p> <p>(b) Pre-opening process includes the following elements:</p> <ul style="list-style-type: none"> <li>• Allows sufficient time for pre-opening charter school to meet pre-opening criteria with quality and integrity; and</li> <li>• Authorizer approves commencement of operations only for charter schools that have demonstrated readiness</li> </ul>		<p>Level 2 specifications were met for at least the last two years</p> <p><i>and</i></p> <p>Since the last evaluation of the authorizer, Level 3 (b) indicator met</p>	

			<p>consistent with the stated pre-opening criteria</p> <p><i>and</i></p> <p>(c) Pre-opening criteria requires each of the following prior to opening:</p> <ul style="list-style-type: none"><li>• All health, safety, and other legal requirements are met;</li><li>• Sufficient staffing and governance;</li><li>• Demonstration of adequate operating funds; and</li><li>• Evidence of a facility that supports the school's needs</li></ul>	
--	--	--	--	--

DRAFT

**PERFORMANCE MEASURES C: PERFORMANCE CONTRACTING**

C.1 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC			
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary
<b>Charter Contract Terms, Negotiation, and Execution</b>	To what degree does the authorizer negotiate and execute charter contracts that clearly define material terms and rights and responsibilities of the school and the authorizer?	<ul style="list-style-type: none"> <li>• HRS §§302D-5(a)(4), 302D-6(3)</li> <li>• Authorizing Contract</li> <li>• NACSA Standard #3 – Contract Term, Negotiation, and Execution</li> </ul>	Charter contracts contain only some defined material terms or rights and responsibilities of the school and the authorizer <i>or</i> Charter contracts do not comply with statute	Charter contracts do not clearly define all material terms and all rights and responsibilities of the school and the authorizer <i>or</i> Charter contracts do not align with national standards <i>or</i> School and authorizer do not mutually understand or accept the material terms of the charter contract	Charter contracts clearly define all material terms and all rights and responsibilities of the school and the authorizer that align with statute and national standards <i>and</i> School and authorizer mutually understand and accept the material terms of the charter contract	Consistent application of Level 2
<b>C.1 SPECIFICATIONS</b>			<b>INDICATOR LEVEL SPECIFICATIONS</b>			
<b>Specific Data Sources</b> <ul style="list-style-type: none"> <li>• Performance Evaluation Response Form:                             <ul style="list-style-type: none"> <li>○ Brief narrative response addressing guiding question and evidence</li> <li>○ Current charter contract template</li> </ul> </li> <li>• Interviews, surveys, site visits, and independent observations</li> </ul> <b>Points Possible</b> 6 Level 0 = 0 points, Level 1 = 2 points, Level 2 = 4 points, Level 3 = 6 points			One Level 0 indicator	Charter contract does not clearly align with all of NACSA Standard 3 (Contract Term, Negotiation, and Execution) <i>or</i> Mutual understanding and acceptance of the material terms of the charter contract is not verified	Charter contract aligns with NACSA Standard 3 (Contract Term, Negotiation, and Execution) and state law <i>and</i> Mutual understanding and acceptance of charter contract is verified internally with consistent responses from individuals of authorizing organization and verified externally with consistent responses from school representatives	Level 2 specifications were met for at least the last three years

**PERFORMANCE MEASURES C: PERFORMANCE CONTRACTING**

C.2 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC			
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary
<b>Charter School Performance Standards</b>	To what degree does the authorizer execute charter contracts with clear, measurable, and attainable performance standards?	<ul style="list-style-type: none"> <li>• HRS §§302D-5(a)(4), 302D-6(3), 302D-16</li> <li>• Authorizing Contract</li> <li>• NACSA Standard #3 – Performance Standards</li> </ul>	Standards in performance frameworks do not meet current statutory requirements	Standards in performance frameworks are unclear, not clearly measurable, or not clearly attainable <i>or</i> Charter contract does not identify data sources that serve as the evidence base for performance evaluation	Charter contracts include clear, measurable, and attainable standards in performance frameworks that meet current statutory requirements <i>and</i> Charter contract identifies data sources that serve as the evidence base for performance evaluation	<p><u>(a)</u> Consistent application of Level 2</p> <p><i>and</i></p> <p><u>(b) Standards in performance frameworks are rigorous</u></p>
C.2 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS			
<p><b>Specific Data Sources</b></p> <ul style="list-style-type: none"> <li>• Performance Evaluation Response Form: <ul style="list-style-type: none"> <li>○ Brief narrative response addressing guiding question and evidence</li> <li>○ Performance framework for school academic, financial, organizational, and operational performance standards as contained in the current charter contract template</li> </ul> </li> <li>• Interviews, surveys, site visits, and independent observations</li> </ul> <p><b>Points Possible</b> 6 Level 0 = 0 points, Level 1 = 3 points, Level 2 = 6 points, Level 3 = 9 points</p>			See indicator above	One Level 1 indicator	See indicators above	<p><u>(a)</u> Level 2 indicators have been met for at least the last three years</p> <p><i>and</i></p> <p><u>(b) Level 3 Indicator (b) above</u></p>

**PERFORMANCE MEASURES D: Ongoing Oversight and Evaluation**

D.1 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC			
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary
<b>Process for Ongoing Oversight of Charter Schools</b>	To what degree does the authorizer have and implement a comprehensive oversight and monitoring system as defined by the charter contract?	<ul style="list-style-type: none"> <li>• HRS §§302D-5(a)(5), 302D-6(4), 302D-17</li> <li>• Authorizing Contract</li> <li>• NACSA Standard #4 – Performance Evaluation and Compliance Monitoring; Protecting Student Rights</li> </ul>	(a) Authorizer’s system for oversight and monitoring of charter schools in the areas of academics, finances, and operations lacks many required elements or (b) Authorizer does not implement its oversight and monitoring system or (c) Authorizer does not communicate regarding oversight and monitoring system	Authorizer’s system for oversight and monitoring of charter schools in the areas of academics, finances, and operations lacks some required elements or Authorizer inconsistently implements its oversight and monitoring system or Authorizer’s communication regarding oversight and monitoring is unclear, irregular, or not timely	Authorizer has a comprehensive system for oversight and monitoring of charter schools in the areas of academics, finances, and operations and Authorizer consistently implements its oversight and monitoring system and Authorizer’s communication regarding oversight and monitoring is clear, regular, and timely	Level 2 and Oversight and monitoring system implementation verified by external references (such as school representative validation)
			<b>D.1 SPECIFICATIONS</b>			<b>INDICATOR LEVEL SPECIFICATIONS</b>
<b>Specific Data Sources</b> <ul style="list-style-type: none"> <li>• Performance Evaluation Response Form:                             <ul style="list-style-type: none"> <li>○ Brief narrative response addressing guiding question and evidence</li> <li>○ Description of the authorizer’s oversight and monitoring system, including any supporting documentation and processes and procedures for implementation and execution (could include forms, checklists, etc.)</li> <li>○ Fully documented examples of ongoing oversight and monitoring</li> </ul> </li> <li>• Interviews, surveys, site visits, and independent observations</li> </ul> <b>Points Possible</b> 9 Level 0 = 0 points, Level 1 = 3 points, Level 2 = 6 points, Level 3 = 9 points			Two or more elements under Level 2 (a) specification are not met or Level 0 indicator (b) or (c)	One element under Level 2 (a) specification is not met or Level 2 (b), (c), or (d) specifications not met	(a) Oversight and monitoring system includes the following elements: <ul style="list-style-type: none"> <li>• Clear guidance to ensure timely compliance;</li> <li>• Protection of student rights;</li> <li>• Provides information necessary to make intervention, revocation, and renewal decisions; and</li> </ul>	Level 2 specifications and Implementation of the authorizer’s oversight and monitoring, consistent with its stated processes, is verified externally with <b>consistent</b> responses from external individuals

			<ul style="list-style-type: none"><li>• Enforces stated consequences for failing to meet requirements</li></ul> <p><i>and</i></p> <p>(b) Authorizer is able to provide at least two fully documented examples of how it has implemented its oversight and monitoring system consistent with its stated processes</p> <p><i>and</i></p> <p>(c) Implementation of oversight and monitoring system is verified internally with consistent responses from individuals or independent observations of authorizing organization</p> <p><i>and</i></p> <p>(d) Demonstration that the authorizer regularly communicates the oversight and monitoring system to schools</p>	
--	--	--	--	--

**PERFORMANCE MEASURES D: Ongoing Oversight and Evaluation**

D.2 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC			
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary
<b>Protecting School Autonomy</b>	To what degree does the authorizer respect, preserve, and support the essential autonomies of the portfolio of charter schools?	<ul style="list-style-type: none"> <li>• HRS §§302D-5(a)(5), 302D-6(4)</li> <li>• Authorizing Contract</li> <li>• NACSA Standard #4 – Respecting School Autonomy</li> </ul>	<p>Provisions within the charter contract that ensure school autonomy do not exist</p> <p><i>or</i></p> <p>Authorizer is overly involved in the processes and operations of the school's authority over day-to-day operations and decisions that are clearly within the school's purview</p>	<p>Provisions within the charter contract related to school autonomy exist but do not clearly ensure school autonomy</p> <p><i>or</i></p> <p>Authorizer's practices are inconsistent with the stated charter contract provisions to uphold school autonomy</p>	<p>Authorizer respects, preserves, and supports the essential autonomies of the portfolio of charter schools through its charter contract</p> <p><i>and</i></p> <p>Authorizer's practices align with the stated charter contract provisions to uphold school autonomy</p>	<p>Level 2</p> <p><i>and</i></p> <p>Monitoring and oversight is performed in a manner that minimizes administrative burden on the portfolio of charter schools without compromising the protection of public interests</p> <p><i>and</i></p> <p>Authorizer's practices regarding school autonomy verified by external references (such as school representative validation)</p>
D.2 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS			
<p><b>Specific Data Sources</b></p> <ul style="list-style-type: none"> <li>• Performance Evaluation Response Form: <ul style="list-style-type: none"> <li>○ Brief narrative response addressing guiding question and evidence</li> <li>○ Description of the authorizer's practices regarding school autonomy, including any supporting documentation</li> <li>○ Fully documented examples of authorizer's practices regarding school autonomy</li> </ul> </li> <li>• Terms of the authorizer's Authorizing Contract</li> <li>• Interviews, surveys, site visits, and independent observations</li> </ul> <p><b>Points Possible</b></p> <p>6</p> <p>Level 0 = 0 points, Level 1 = 2 points, Level 2 = 4 points, Level 3 = 6 points</p>			One Level 0 indicator	One Level 1 indicator	<p>Charter contract provisions establish and recognize the school's authority over the schools day-to-day operations and decisions that are clearly within the school's purview</p> <p><i>and</i></p> <p>Authorizer is able to provide at least two fully documented examples of how its practices align with school autonomy</p>	<p>Level 2 specifications</p> <p><i>and</i></p> <p>Demonstration of how authorizer minimized administrative burden on the portfolio or charter schools without compromising public interest</p> <p><i>and</i></p> <p>Implementation of the authorizer's oversight and</p>

DRAFT

			provisions in the charter contract <i>and</i> Practices aligned with school autonomy provisions in the charter contract are verified internally with consistent responses from individuals or independent observations of authorizing organization	monitoring , consistent with its stated processes, is verified externally with <u>consistent</u> responses from external individuals
--	--	--	--	--

**PERFORMANCE MEASURES D: Ongoing Oversight and Evaluation**

D.3 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC			
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary
<b>Standards and Processes for Intervention and Corrective Action</b>	To what degree does the authorizer have clear and comprehensive standards and processes to address intervention and corrective action?	<ul style="list-style-type: none"> <li>• HRS §§302D-5(a)(5), 302D-6(4), 302D-17</li> <li>• Authorizing Contract</li> <li>• NACSA Standard #4 – Intervention</li> </ul>	(a) Authorizer’s intervention policy is not documented in the charter contract  or  (b) Authorizer’s intervention process lacks many elements	(a) Authorizer has documented in its charter contract an intervention policy, but it is unclear  or  (b) Authorizer’s intervention process lacks some elements	Authorizer has documented in its charter contract an intervention policy that is clear and comprehensive  and  Authorizer’s intervention process is clear and comprehensive	Level 2  and  Authorizer’s implementation of intervention process verified by external references (such as school representative validation)
D.3 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS			
<p><b>Specific Data Sources</b></p> <ul style="list-style-type: none"> <li>• Performance Evaluation Response Form:                             <ul style="list-style-type: none"> <li>○ Brief narrative response addressing guiding question and evidence</li> <li>○ Authorizer’s intervention policy and standards as contained in the charter contract</li> <li>○ Authorizer’s processes for intervention and corrective action</li> </ul> </li> <li>• Interviews, surveys, site visits, and independent observations</li> </ul> <p><b>Points Possible</b> 6 Level 0 = 0 points, Level 1 = 2 points, Level 2 = 4 points, Level 3 = 6 points</p>			Level 0 indicator (a)  or  Two or more elements under Level 2 (b) specification are not met	Level 1 indicator (a)  or  One element under Level 2 (b) specification is not met	(a) Intervention policy in the charter contract includes conditions that may trigger intervention and types of possible actions and consequences  and  (b) Intervention process includes the following elements: <ul style="list-style-type: none"> <li>• When intervention is needed, the authorizer identifies what the school must remedy without prescribing solutions;</li> <li>• Authorizer gives schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies;</li> </ul>	Level 2 specifications were met for at least the last two years  and  Consistent implementation of the authorizer’s intervention process is verified externally with <b>consistent</b> responses from external individuals

			<ul style="list-style-type: none"><li>• Authorizer allows schools reasonable time and opportunity for remediation in non-emergency situations</li><li>• Allows authorizer to apply professional discretion and consider context and a range of solutions</li></ul>	
--	--	--	--	--

DRAFT

**PERFORMANCE MEASURES E: Revocation and Renewal Decision-Making**

E.1 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC			
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary
<b>Charter Contract Renewal Process and Performance Reports</b>	To what degree does the authorizer have a clear, comprehensive, fair, and transparent process for charter contract renewal?	<ul style="list-style-type: none"> <li>• HRS §§302D-5(a)(6), 302D-6(5), 302D-18</li> <li>• Authorizing Contract</li> <li>• NACSA Standard #5 – Cumulative Report and Renewal Application; Fair, Transparent Process</li> </ul>	Process for contract renewal lacks many required elements	Process for contract renewal lacks some required elements	Process for contract renewal is clear, comprehensive, fair, and transparent	Level 2 <i>and</i> Authorizer has consistently implemented its contract renewal process <i>and</i> Consistent implementation verified by external references (such as school representative validation)
E.1 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS			
<b>Specific Data Sources</b> <ul style="list-style-type: none"> <li>• Performance Evaluation Response Form:                             <ul style="list-style-type: none"> <li>○ Brief narrative response addressing guiding question and evidence</li> <li>○ Authorizer’s charter renewal application, policies, procedures, timelines, and processes</li> <li>○ An example of a charter school’s performance report</li> </ul> </li> <li>• Interviews, surveys, site visits, and independent observations</li> </ul> <b>Points Possible</b> 6 Level 0 = 0 points, Level 1 = 2 points, Level 2 = 4 points, Level 3 = 6 points			The contract renewal process and application guidance does not comply with law <i>or</i> Four or more elements under Level 2 (b) specification are not met	One to three elements under Level 2 (b) specification are not met	(a) The contract renewal process and application guidance comply with law <i>and</i> (b) Process for contract renewal includes the following elements: <ul style="list-style-type: none"> <li>• Criteria for charter revocation, renewal, and nonrenewal decisions that are consistent with the charter contract;</li> <li>• An explanation of available appeal rights through which a school may challenge the authorizer’s decision;</li> </ul>	Level 2 specifications <i>and</i> Authorizer’s renewal practices are consistent with its state process and are verified externally with consistent responses from individuals or independent observations of external individuals or organizations

DRAFT

- Regular updates and publication of the process for renewal decision making;
- Provides the school a meaningful opportunity and reasonable time to respond to the performance report; to correct the record, if needed; and to present additional evidence regarding its performance;
- Sends the performance report in advance of a renewal decision;
- Performance report summarizes the school's performance and states the authorizer's summative findings concerning the school's performance and its prospects for renewal;
- Notification of each school of its decision, including written explanation of the reasons for the decision; and
- Prompt communication of renewal or revocation decisions to the school community and public that allows parents and students to exercise choices for the coming school year

**PERFORMANCE MEASURES E: Revocation and Renewal Decision-Making**

E.2 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC			
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary
<b>Charter Contract Renewal or Revocation Decisions</b>	To what degree do the authorizer’s renewal and revocation decisions align to its stated performance standards?	<ul style="list-style-type: none"> <li>• HRS §§302D-5(a)(6), 302D-6(5), 302D-18</li> <li>• Authorizing Contract</li> <li>• NACSA Standard #5 – Revocation; Renewal Decisions Based on Merit and Inclusive Evidence; Fair, Transparent Process</li> </ul>	<p>(a) Authorizer does not base its renewal decisions on the objective evidence defined by the performance frameworks in the charter contract</p> <p><i>or</i></p> <p>(b) Authorizer does not base its revocation decisions on clear evidence of extreme underperformance or violation of law to protect student and public interests</p> <p><i>or</i></p> <p>(c) Authorizer does not revoke a charter when there is clear evidence of extreme underperformance or violation of law to protect student and public interests</p>	<p>(a) It is unclear whether authorizer bases its renewal decisions on the objective evidence defined by the performance frameworks in the charter contract</p> <p><i>or</i></p> <p>(b) It is unclear whether authorizer bases its revocation decisions on clear evidence of extreme underperformance or violation of law to protect student and public interests</p>	<p>(a) Authorizer bases its renewal decisions on the objective evidence defined by the performance frameworks in the charter contract</p> <p><i>and</i></p> <p>(b) Authorizer bases its revocation decisions on clear evidence of extreme underperformance or violation of law to protect student and public interests</p>	<p>(a) Level 2</p> <p><i>and</i></p> <p>(b) Demonstration of how authorizer’s renewal and revocation decisions have resulted in a higher performing charter school portfolio</p>
E.2 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS			
<p><b>Specific Data Sources</b></p> <ul style="list-style-type: none"> <li>• Performance Evaluation Response Form: <ul style="list-style-type: none"> <li>○ Brief narrative response addressing guiding question and evidence</li> <li>○ Documentation of authorizer’s renewal and revocation decisions since the last authorizer evaluation</li> <li>○ If applicable, appeals of authorizer decisions on new charter school proposals</li> <li>○ If applicable, evidence of how authorizer’s renewal and revocation decisions have resulted in a higher performing charter school portfolio</li> </ul> </li> <li>• Interviews, surveys, site visits, and independent observations</li> </ul>			<p>Renewals are granted to schools that have not met the performance standards or have not been faithful to the terms of the contract</p> <p><i>or</i></p> <p>Renewal decisions (including granting probationary or short-</p>	<p>Renewals are granted to schools that have not clearly met the performance standards or have not clearly been faithful to the terms of the contract</p> <p><i>or</i></p>	<p>Renewals are only granted to schools that have met the performance standards and have been faithful to the terms of the contract</p> <p><i>and</i></p> <p>Renewal decisions (including granting probationary or short-</p>	<p>Level 2 specifications</p> <p><i>and</i></p> <p>Level 3 indicator (b)</p>

<p><b>Points Possible</b> 9 Level 0 = 0 points, Level 1 = 3 points, Level 2 = 6 points, Level 3 = 9 points</p>	<p>term renewals) are made on the basis of political or community pressure or solely on promises of future improvement <i>or</i> Level 0 indicator (b) or (c)</p>	<p>Renewal decisions (including granting probationary or short-term renewals) may have been made on the basis of political or community pressure or solely on promises of future improvement <i>or</i> Level 1 indicator (b)</p>	<p>term renewals) are not made on the basis of political or community pressure or solely on promises of future improvement <i>and</i> Level 2 indicator (b)</p>	
--	---	--	---	--

DRAFT

**PERFORMANCE MEASURES E: Revocation and Renewal Decision-Making**

E.3 MEASURE	GUIDING QUESTION	MEASURE ORIGIN	INDICATOR LEVEL RATINGS AND RUBRIC			
			LEVEL 0 Unsatisfactory or Incomplete	LEVEL 1 Improvements Necessary	LEVEL 2 Satisfactory	LEVEL 3 Exemplary
School Closure Protocol	To what degree does the authorizer have a closure protocol that is clear and comprehensive?	<ul style="list-style-type: none"> <li>HRS §§302D-5(a)(6), 302D-6(5), 302D-19</li> <li>Authorizing Contract</li> <li>NACSA Standard #5 – Closure</li> </ul>	Closure protocol lacks many required elements	Closure protocol lacks some required elements	Closure protocol is clear and comprehensive with reasonable timelines	Level 2 <i>and</i> In the event a school was closed within the five years preceding the evaluation, authorizer worked with the school governing board and leadership in carrying out the closure protocol
E.3 SPECIFICATIONS			INDICATOR LEVEL SPECIFICATIONS			
<p><b>Specific Data Sources</b></p> <ul style="list-style-type: none"> <li>Performance Evaluation Response Form:                             <ul style="list-style-type: none"> <li>Brief narrative response addressing guiding question and evidence</li> <li>Authorizer’s school closure protocol and processes</li> <li>If applicable, evidence of efforts the authorizer made to coordinate an orderly school closure with school governing board and leadership</li> </ul> </li> <li>Interviews, surveys, site visits, and independent observations</li> </ul> <p><b>Points Possible</b> 6 Level 0 = 0 points, Level 1 = 2 points, Level 2 = 4 points, Level 3 = 6 points</p>			Three or more elements under Level 2 specification are not met	One or two elements under Level 2 specification are not met	Closure protocol includes the following elements: <ul style="list-style-type: none"> <li>Procedures that require the authorizer to not only oversee, but also to work with the school’s governing board and leadership;</li> <li>Details to cover all of major situations that would arise in a closure process;</li> <li>Timely notification to parents;</li> <li>Orderly transition of students and student records to new schools;</li> <li>Disposition of school funds, property, and assets in accordance with law; and</li> <li>Sufficient time for school to comply with authorizer’s</li> </ul>	Level 2 specifications were met for at least the last two years <i>and</i> Evidence authorizer made every effort to coordinate an orderly school closure with the school governing board and leadership

			closure protocol without compromising public interest	
--	--	--	---	--

DRAFT

**Attachment D**

**Application for Chartering Authority  
(Revised from February 7, 2019 Student Achievement Committee draft and  
changes shown in redline)**



**STATE OF HAWAII  
BOARD OF EDUCATION**

**Application for Chartering Authority to Become a  
New Charter School Authorizer**

DRAFT

## Introduction

This document provides guidance to eligible entities who are interested in obtaining chartering authority and becoming new charter school authorizers. Authorizers play the crucial role in the charter school system of upholding the “charter bargain,” which provides charter schools with relatively more autonomy in exchange for greater accountability. A quality authorizer measures the effectiveness of this bargain, and its portfolio of charter schools, through improved outcomes for students.

Pursuant to Hawaii Revised Statutes (“HRS”) Section 302D-5, authorizers are responsible for executing the following essential powers and duties:

1. Soliciting and evaluating charter applicants;
2. Approving quality charter applications that meet identified educational needs and promote a diversity of educational choices;
3. Declining to approve weak or inadequate charter applications;
4. Negotiating and executing sound charter contracts with each approved charter applicant and with existing public charter schools;
5. Monitoring, in accordance with charter contract terms, the performance and legal compliance of public charter schools; and
6. Determining whether each charter contract merits renewal, nonrenewal, or revocation.

In addition, the Hawai'i Authorizer Performance Evaluation System, established to review the performance of authorizers pursuant to HRS Section 302D-11 and Hawaii Administrative Rules (“HAR”) Section 8-515-10, outlines the performance expectations for authorizers.

## Eligibility

Only eligible entities may submit applications for chartering authority. To be eligible, an interested entity must first submit an Intent to Apply Packet to the Board of Education (“Board”). Based on the information provided in the Intent to Apply Packet, the Board will determine whether the entity is legally eligible to submit an application for chartering authority. In accordance with HRS Section 302D-4 and HAR Section 8-515-7, the following entities may apply to become new authorizers:

- The University of Hawaii Board of Regents, as the governing board of all accredited public postsecondary institutions in the state, may apply for statewide, regional, or local chartering authority on behalf of any public postsecondary institution it governs.
- A governing board of an accredited private postsecondary institution may apply for statewide, regional, or local charter authority, in accordance with the institution’s regular operating jurisdiction, provided that the institution is

registered to do business in Hawai'i with the Department of Commerce and Consumer Affairs' Hawaii Post-secondary Education Authorization Program, pursuant to HRS Chapter 305J.

- A state or county agency may apply for statewide, regional, or local chartering authority.
- A governing board of a nonprofit or charitable organization that is exempt from federal taxes under section 501(c)(3) or 501(c)(6) of the Internal Revenue Code may apply for statewide chartering authority. Nonpublic sectarian or religious organizations and any other charitable organization that, describe activities indicating a religious purpose in their federal Internal Revenue Service Form 1023, Part IV, are not eligible to apply to become an authorizer.

Regional chartering authority means chartering authority within a county or an island-wide geographic area, and Local chartering authority means chartering authority within one or more designated Department of Education complex areas.

### Timeline and Process

The general timeline below lists the key dates and activities in the chartering authority application process. The Board will publishes a timeline with specific dates on its website whenever it releases a notice inviting applications to begin a new application cycle. Applicants and prospective applicants must adhere to the deadlines set by the timeline on the Board's website. The Board Chairperson has the authority to set the timeline each year, based on the general timeline below, and to change any dates and deadlines as necessary.

Date	Activity
Mid-May	Release of notice inviting applications for chartering authority
Early June	Deadline for prospective applicant to submit Intent to Apply Packet
Late June	Board notifies prospective applicant of its eligibility to submit an application for chartering authority
Early July	Application orientation and information webinar
Mid-August	Deadline for eligible applicant to submit chartering authority application
Late August	Board notifies applicant of application completeness

Date	Activity
Late August/Early September	Deadline for applicant to make corrections and submit a completed application (if applicable)
Early September to Mid-October	Application initial evaluation window
Early October	Evaluation Team requests clarification from applicant (optional)
Mid-October	Deadline for applicant to respond to request for clarification (if applicable)
Late October	Evaluation Team interviews applicant's team for additional clarification, if necessary, and to assess the capacity of the applicant
November	Public forum for public input on chartering authority application
Mid-December	Applicant receive Evaluation Team's recommendation reports
Early-January	Deadline for applicant to submit written responses to recommendation report (optional)
Early February	Student Achievement Committee Meeting on application decision
Mid-February	Board General Business Meeting on final application decision
Mid-February	Board notifies applicant of its decision
February through March	Pre-contracting phase
Early April	Student Achievement Committee Meeting on execution of authorizing contract
April	Board General Business Meeting on execution of authorizing contract
April	Deadline for the Board to execute authorizing contract with approved new authorizer

The key components of the application process are described below.

**Intent to Apply Packet.** All applicants must submit the Intent to Apply Packet by the deadline (date and time) indicated on the timeline on the Board's website. The Board Chairperson has the authority to review Intent to Apply Packets and determine each applicant's eligibility pursuant to law. The Board will not permit any applicants deemed ineligible to continue with the application process or submit an application.

Application. All applicants must submit an application, which includes a narrative proposal and attachments, by the deadline (date and time) indicated on the timeline on the Board's website. The Board Chairperson has the authority to determine whether submitted applications are complete. If the Board Chairperson determines an application is not complete, the applicant ~~has a short turnaround time to~~ must provide any missing information by the deadline determined by the Board Chairperson, which will be no more than three business days after the original deadline to submit a completed application. Applicants who fail to submit a corrected and complete application by the deadline are disqualified from the application cycle.

Request for clarification. After its initial review of the application, the Evaluation Team (consisting of evaluators selected by the Board Chairperson) may request information, in writing, from the applicant to clarify certain elements of the proposal.

Interview. All applicants must attend an interview with the Evaluation Team and be prepared to answer specific questions about their respective applications. The primary purpose of the interview is to gauge the applicant's capacity to implement its proposal and its ability to operate as a quality authorizer. ~~se~~ The individuals from the applicant's team who will be responsible for plan implementation and authorizer operations should attend. The Evaluation Team may also elect to use the interview to obtain clarification from the applicant on its proposal.

Public forum. A public forum will be held on the Board's behalf, through a mechanism determined by the Board Chairperson, to afford members of the public an opportunity to provide comments on each application for chartering authority. ~~While~~ The Evaluation Team ~~does not~~ will consider public comments as they relate to the approval criteria in developing its recommendation. ~~a~~ All written comments and a summary of oral comments from the public forum will be available to the Board for its consideration for decision-making.

Student Achievement Committee Meeting. The Board's Student Achievement Committee will hold a public meeting to consider the application, the Evaluation Team's recommendation report, the applicant's response to the recommendation report (if any), the Evaluation Team's reply to the applicant's response (if any), and any public comments. The committee will make a recommendation to the full Board on whether to approve or deny each application.

Board General Business Meeting. The Board will decide whether to approve or deny each application.

## **Application Submission Instructions**

- Applicants must use the forms and templates provided herein for the Intent to Apply Packet (Exhibit 1), Applicant Information Sheet (Exhibit 2), and Statement

of Assurances Form (Exhibit 3). Applicants must read and adhere to each form's instructions.

- Intent to Apply. Applicants must submit the Intent to Apply Packet (Exhibit 1) via email as a single PDF file, including any necessary attachments, to [boe\\_hawaii@notes.k12.hi.us](mailto:boe_hawaii@notes.k12.hi.us) by the deadline.
- Application. Applicants should review all elements of the application before submitting. The application should be complete and contain all the information necessary to describe a comprehensive and holistic plan for opening and operating a quality authorizer. The Evaluation Team ~~cannot~~ will not consider any information the applicant provides outside of the evaluation period.
- Application submissions should be clearly organized with appropriate headings and page numbers and should be compiled into a single PDF file. Application submissions should be structured as follows:
  1. Applicant Information Sheet (completed) (Exhibit 2);
  2. Statement of Assurances Form (completed and signed) (Exhibit 3);
  3. Narrative response to the standards within the Application Instructions (Exhibit 4); and
  4. Attachments, in this order:
    - A. Conflicts of interest policy;
    - B. Five-year budget;
    - C. Evidence of commitment of funds;
    - D. Application process and request for proposals for new charter schools (including approval criteria and evaluation process standards);
    - E. Template or sample of pre-opening criteria;
    - F. Charter contract template (including performance frameworks and intervention policy);
    - G. Renewal process and application guidance;
    - H. School closure protocol; and
    - I. Additional optional attachments, if any.
- Applicants must submit application submissions via email to [boe\\_hawaii@notes.k12.hi.us](mailto:boe_hawaii@notes.k12.hi.us) by the deadline. Applicants should receive an autoreply message indicating receipt of the email. If an applicant does not receive an autoreply message or an error message indicating an undeliverable email, the applicant must contact the Board Support Office immediately at 808-586-3334 for submission alternatives.

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

## Evaluation

The Board Chairperson will select at least three individuals, but no more than five, ~~who ideally have expertise with authorizing or charter school operations at either the state or national levels~~ to serve on an independent Evaluation Team. The Board Chairperson may instruct Board staff to solicit Board members—in a manner that complies with Sunshine Law (HRS Chapter 92, Part I)—for suggestions of individuals to serve as evaluators. The Evaluation Team must have at least one member with expertise in each of the following areas:

- Charter school authorizing at either the state or national level;
- Finance, accounting, or a related field; and
- Hawaii’s charter school legal framework.

A single evaluator with expertise in more than one of the required areas is qualified to fulfill the Evaluation Team’s constitution requirements in those areas. While not required, other desirable areas of expertise include charter school operations, educational program design or data analysis (particularly as it relates to the proposed authorizer’s mission and vision, if possible), human resources, governance, and/or public administration.

The Evaluation Team will evaluate the application against the approval criteria and develop a recommendation to the Board for approval or denial of the application. The Board will decide whether to approve or deny the application.

The following steps describe the evaluation process:

1. Using the published approval criteria, the Evaluation Team will evaluate the application components, including the application submission (narrative and attachments), applicant’s response to the request for clarification, capacity interview, and any other relevant information the Evaluation Team may come across through independent research and due diligence.
2. Based on its evaluation, the Evaluation Team will develop a recommendation report that recommends either approval or denial of the application.
3. The applicant ~~has~~ will have an opportunity to compose and submit a written response to the recommendation report.
4. If applicable, the Evaluation Team ~~has~~ will have an opportunity to compose and submit a reply-response to the applicant’s response.
5. The Student Achievement Committee will consider the recommendation report, applicant’s response (if applicable), Evaluation Team’s reply-response (if applicable), and public comments and will develop its own recommendation to the full Board.

Formatted: List Paragraph, Bulleted + Level: 1 +  
Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: (Default) Arial, 12 pt

6. The Board will considers the Student Achievement Committee's recommendation and any other relevant information and will decides whether to approve or deny the application.

The Application Instructions (Exhibit 4) contain the approval criteria. For the Evaluation Team to recommend approval, the application must meet the criteria and receive a rating of "Satisfactory" in each of the main sections: Organizational Plan, Financial Plan, Authorizing Plan, and Applicant Capacity. The Evaluation Team uses the following rating scale as guidance:

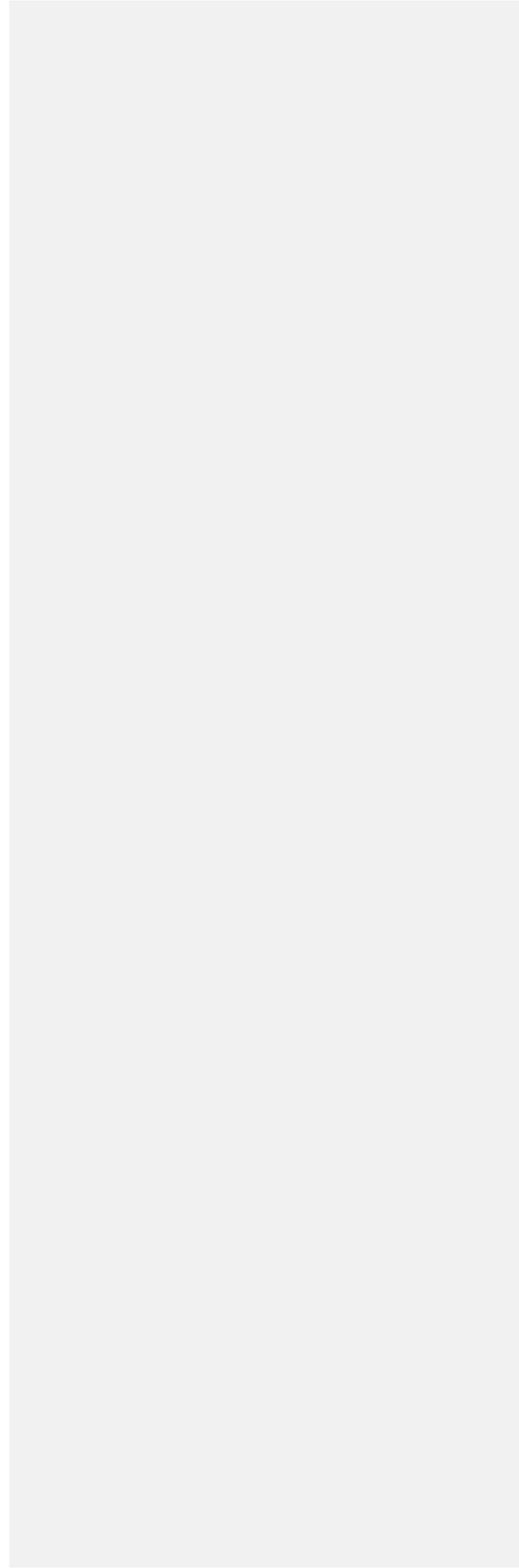
Formatted: Underline

Rating	Characteristics
<b>Satisfactory</b>	The response reflects a thorough understanding of key issues. It addresses the topic with specific and accurate information that shows thorough preparation; presents a clear, realistic picture of how the proposed authorizer expects to operate; and inspires confidence in the applicant's capacity to carry out the plan effectively.
<b>Needs Improvement</b>	The response meets the criteria in some respects but has substantial gaps, lacks detail, or requires additional information in one or more areas and does not reflect a thorough understanding of key issues. It does not provide enough accurate, specific information to show thorough preparation; fails to present a clear, realistic picture of how the authorizer expects to operate; or does not inspire confidence in the applicant's capacity to carry out the plan effectively.
<b>Unsatisfactory</b>	The response does not meet the criteria in most respects, is undeveloped, or significantly incomplete; demonstrates lack of preparation; or raises substantial concerns about the viability of the plan or the applicant's capacity to implement it.

Please contact the Board Support Office at (808) 586-3334 with questions regarding the process described herein.

**Exhibit 1**  
**Intent to Apply Packet**

DRAFT



# Intent to Apply Packet

## Overview:

The Intent to Apply Packet expresses an ~~entities~~ entity's interest in becoming a new charter school authorizer. The Board of Education ("Board") ~~uses~~ reviews it to determine applicant eligibility ~~as well as~~ and to assemble an appropriate number of evaluators. If the Board confirms eligibility, the applicant may undertake the more comprehensive application process.

## Instructions:

1. Complete this Intent to Apply Packet form by providing word-processed responses to all applicable fields.
2. Attach all applicable required documents as indicated in this form.
3. Email an electronic copy of your completed Intent to Apply Packet, as a single PDF file, including appropriate attachments, to [boe\\_hawaii@notes.k12.hi.us](mailto:boe_hawaii@notes.k12.hi.us) by the deadline (date and time) indicated on the timeline on the Board's website.
4. You will receive notice of your eligibility by the date indicated on the timeline on the Board's website.

**Organization Name (entity that intends to apply to be a new charter school authorizer):**

---

**Primary Contact Name:**

---

**Primary Contact Address:**

---

**City/State/Zip:**

---

**Primary Contact Phone:** ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

**Primary Contact Email Address:**

---

**Type of Organization (check the appropriate box(es)):**

- University of Hawaii Board of Regents

Required Attachments

- 1) A signed resolution or approved public minutes from the Board of Regents authorizing the submission of this application

- Governing board of an accredited private postsecondary institution (check the appropriate institution type):

- Community college  
 Technical college  
 Four-year university  
 Other accredited postsecondary institution (specify): \_\_\_\_\_

Required Attachments

- 1) A signed resolution from the governing board authorizing the submission of this application  
2) Documentation certifying the governing board has governing authority over the institution  
3) Sufficient documentation proving the institution is registered as an accredited postsecondary institution with the Department of Commerce and Consumer Affairs' Hawaii Post-secondary Education Authorization Program, pursuant to Hawaii Revised Statutes Chapter 305J  
4) Documentation describing the institution's operating jurisdiction

- County agency (check the appropriate county):

- City and County of Honolulu  
 County of Hawaii  
 County of Kauai  
 County of Maui

Required Attachments

- 1) A signed letter from the Mayor authorizing the submission of this application

- State agency

Required Attachments

- 1) A signed letter from the agency's director or, if applicable, a signed resolution or approved public minutes from the governing board of the agency authorizing the submission of this application

- Governing board of a nonprofit or charitable organization exempt from federal taxes under section 501(c)(3) or 501(c)(6) of the Internal Revenue Code

Required Attachments

- 1) A signed resolution from the board authorizing the submission of this application
- 2) Documentation certifying the governing board has governing authority over the organization
- 3) Proof of nonprofit registration with the Hawai'i Department of Commerce and Consumer Affairs and a Certificate of Good Standing
- 4) A copy of federal tax-exempt certification from the Internal Revenue Service ("IRS") or an acknowledgement letter from the IRS regarding the tax status of the nonprofit

**Geographic Chartering Authority (check the appropriate box and provide applicable information):**

*Note: See the Eligibility section in the application document for information on which entities may apply for statewide, regional, and local chartering authority.*

- Statewide chartering authority
- Regional chartering authority  
Specify region (e.g., County of Hawai'i or Island of Maui):  
\_\_\_\_\_
- Local chartering authority  
Specify local area (e.g., Campbell-Kapolei Complex Area):  
\_\_\_\_\_

**Certification:**

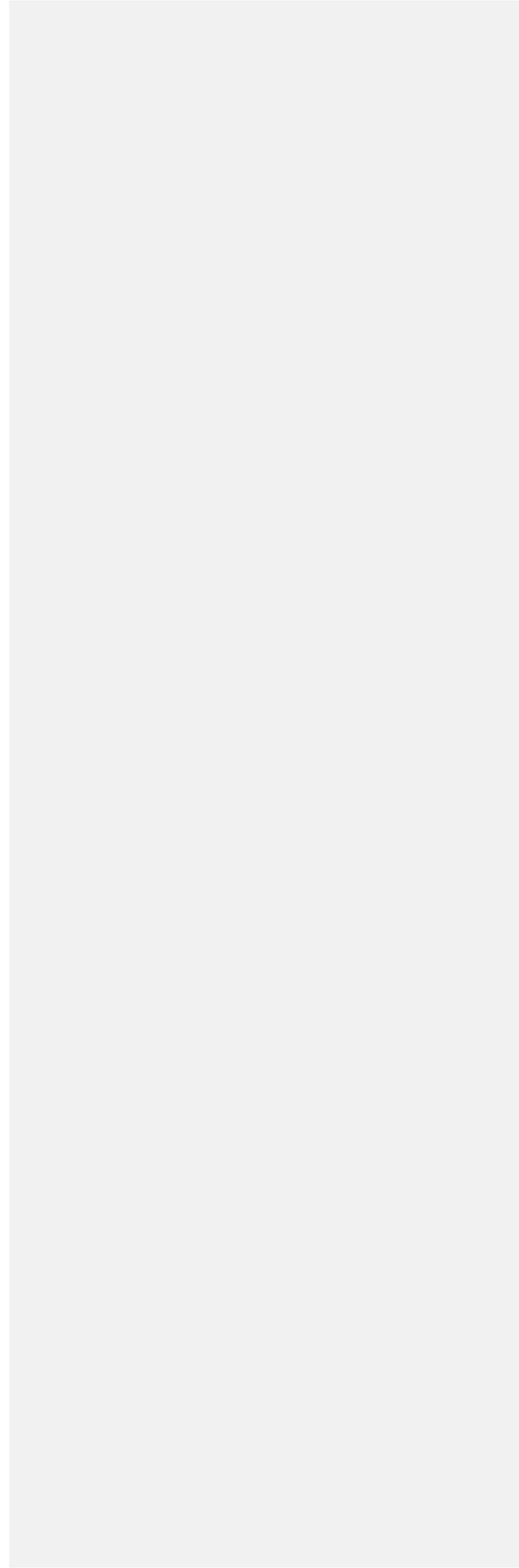
As the person identified as the primary contact on behalf of the applicant, I certify that I have the authority granted by the applicant to submit this application and that all information contained herein is complete and accurate. I recognize that any misrepresentation could result in disqualification from the application process.

\_\_\_\_\_  
Signature of Primary Contact

\_\_\_\_\_  
Date

**Exhibit 2**  
**Applicant Information Sheet**

DRAFT



## Applicant Information Sheet

Provide the appropriate information. Responses, particularly the information regarding the type of organization, should align with responses provided in the applicant's Intent to Apply Packet.

**Organization Name (applicant):**

---

**Proposed Authorizer Name (if different from organization name):**

---

**Primary Contact Name:**

---

**Primary Contact Address:**

---

**City/State/Zip:**

---

**Primary Contact Phone:** ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

**Primary Contact Email Address:**

---

**Type of Organization (check the appropriate box(es)):**

- University of Hawaii Board of Regents
- Governing board of an accredited private postsecondary institution (check the appropriate institution type):
  - Community college
  - Technical college

- Four-year university
- Other accredited postsecondary institution (specify): \_\_\_\_\_

County agency (check the appropriate county):

- City and County of Honolulu
- County of Hawai'i
- County of Kauai
- County of Maui

State agency

Governing board of a nonprofit or charitable organization exempt from federal taxes under section 501(c)(3) or 501(c)(6) of the Internal Revenue Code

**Geographic Chartering Authority (check the appropriate box and provide applicable information):**

*Note: See the Eligibility section in the application document for information on which entities may apply for statewide, regional, and local chartering authority.*

Statewide chartering authority

Regional chartering authority

Specify region (e.g., County of Hawai'i or Island of Maui):

\_\_\_\_\_

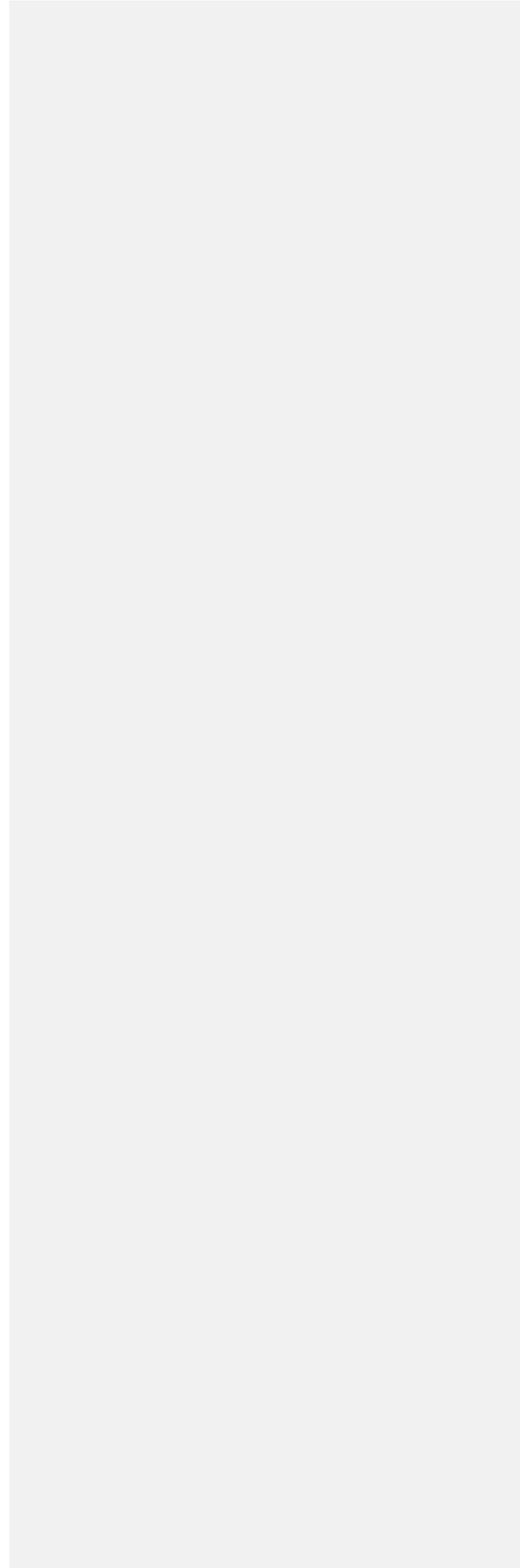
Local chartering authority

Specify local area (e.g., Campbell-Kapolei Complex Area):

\_\_\_\_\_

**Exhibit 3**  
**Statement of Assurances**

DRAFT



## Statement of Assurances

Please print this form, and initial each item on the line provided. The "Applicant," as indicated on the first line, is the name of the organization applying for chartering authority. An authorized representative of the applicant must sign this form.

\_\_\_\_\_ (the "Applicant") seeks to serve as an authorizer in fulfillment of the expectations, spirit, and intent of Chapter 302D, Hawaii Revised Statutes, and if approved as an authorizer, the Applicant agrees to:

\_\_\_\_\_ Operate in compliance with and hold the charter schools within its portfolio accountable to, all applicable state and federal laws and policies of the Board of Education, including but not limited to:

- Article X, Section 4 of the Constitution of the State of Hawai'i promoting the study of Hawaiian culture, history, and language in public schools;
- Article XV, Section 4 of the Constitution of the State of Hawai'i establishing English and Hawaiian as official languages of Hawai'i;
- Collective bargaining under Chapter 89, Hawaii Revised Statutes, as applicable;
- Any requirements specific to entities of the State, as applicable; and
- Board of Education Policy 105-7 relating to Hawaiian education for all students in grades K-12;

Formatted: List Paragraph, Indent: Left: 0.5", Bulleted + Level: 1 + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.75", Left + Not at 0.5"

\_\_\_\_\_ Fully participate in any authorizer training provided ~~or~~ and required by the State;

\_\_\_\_\_ Ensure public accountability and transparency in all matters concerning its charter-authorizing practices, decisions, and expenditures;

\_\_\_\_\_ Ensure a commitment to quality authorizing by building the knowledge and skill base of its authorizing leadership and staff through professional development and engaging in regular self-evaluation;

\_\_\_\_\_ Comply with reporting requirements and other statutory responsibilities;

\_\_\_\_\_ Ensure that any charter school it oversees shall have a fully independent governing board and exercise autonomy in all matters, to the extent permitted by law, in such areas as budget, personnel, and educational programs;

\_\_\_\_\_ Permit the Board of Education to audit, review, and inspect the Applicant's activities, books, documents, papers, and other records;

\_\_\_\_\_ Read, understand, and comply with all parts of the Authorizing Contract, including, but not limited to, the performance standards and requirements established by the Hawai'i Authorizer Performance Evaluation System.

Formatted: Font: (Default) Arial, 12 pt

I, the undersigned, do hereby agree to the assurances contained above on behalf of the Applicant.

\_\_\_\_\_

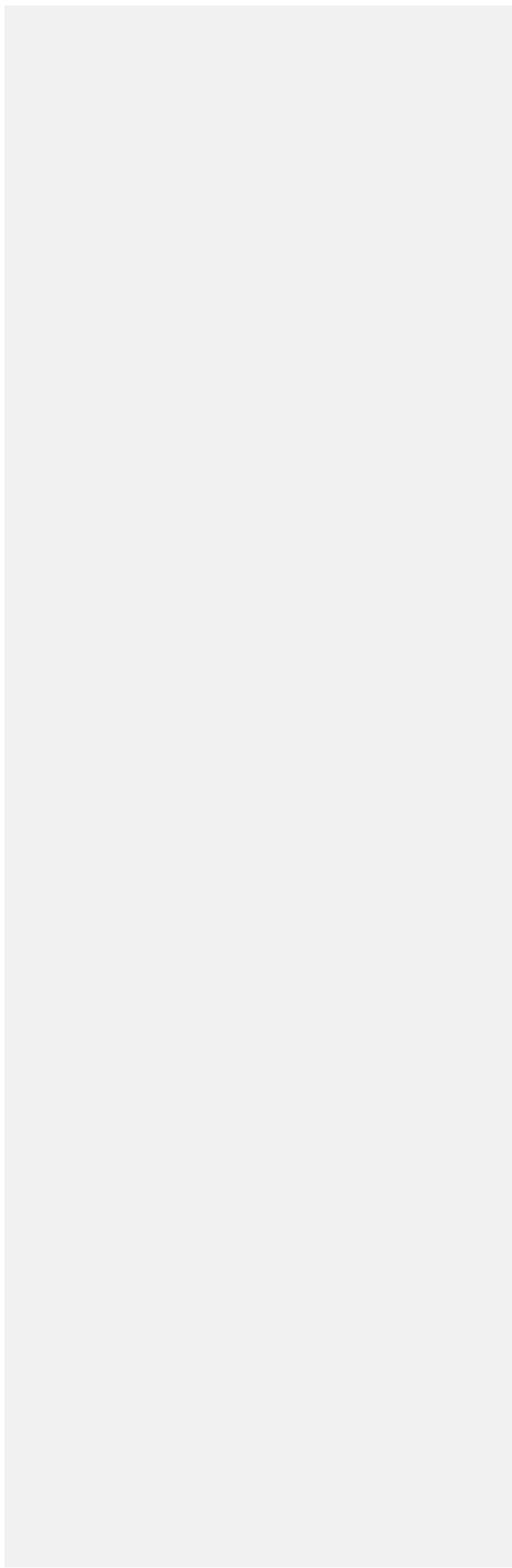
Signature of Authorized Representative

Title

Printed Name of Authorized Representative

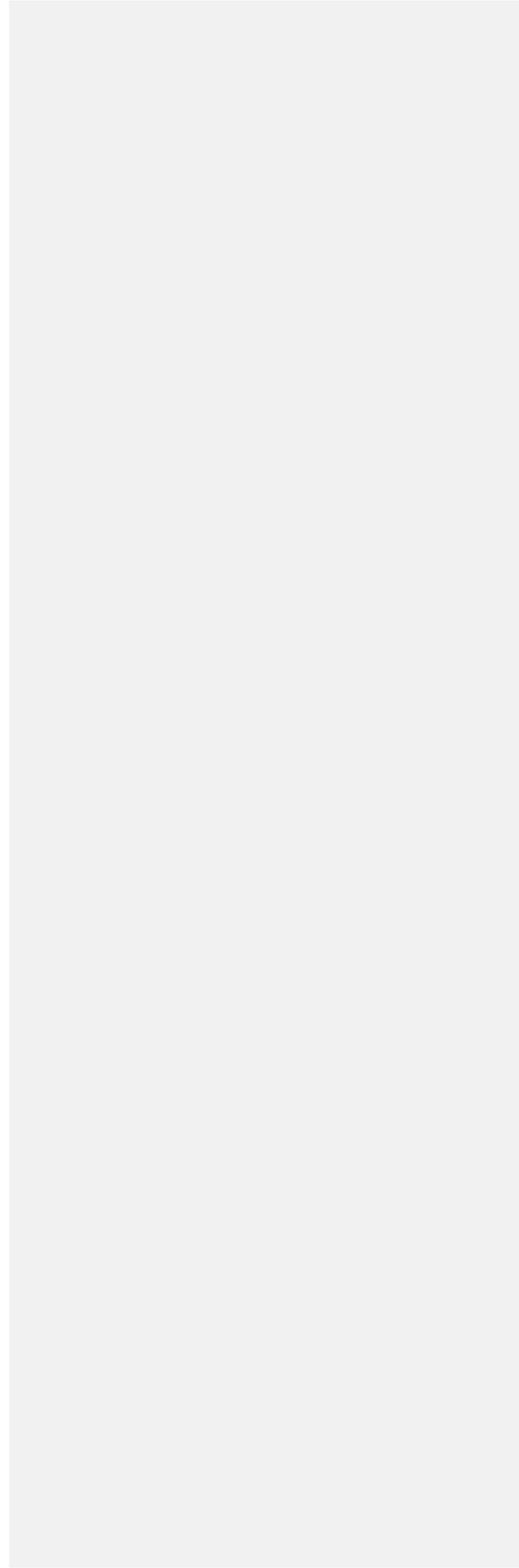
Date

DRAFT



**Exhibit 4**  
**Application Instructions**

DRAFT



# Application Instructions

The standards and criteria in this application align with the performance measures, indicators, and specifications in the Hawai'i Authorizer Performance Evaluation System ("HAPES"). The Board of Education ("**Board**") established HAPES to review the performance of charter school authorizers pursuant to law. By aligning to HAPES, these application standards and criteria seek to ensure authorizer accountability and promote high-quality charter schools and authorizing excellence on the front end before an aspiring authorizer ever begins operations.

An application that satisfactorily meets the standards and criteria reflects a thorough understanding of key issues. It addresses the Organizational Plan (Part A), Financial Plan (Part B), and Authorizing Plan (Part C) with specific and accurate information that shows thorough preparation; presents a clear, realistic picture of how the proposed authorizer expects to operate; and inspires confidence in the Applicant's capacity to carry out the plan effectively (Part D).

~~Compose~~ An application must be a narrative response that clearly responds to the standards and criteria in Parts A through D. The narrative should include standard headings that organize the narrative response. Attach all required attachments indicated in these instructions. Additional attachments that provide more information are allowable, but organize such attachments after the required attachments. Do not expect evaluators to understand the information an attachment is trying to convey if the narrative does not reference the attachment in connection to the standards and criteria.

It is unnecessary to restate information in the application. In other words, do not repeat information in the narrative that is provided in an attachment or another part of the narrative. Reference the attachment, section, and/or page number instead of duplicating the information in the narrative.

## PART A: ORGANIZATIONAL PLAN

### **Standard A.1: Authorizer Mission** (*HAPES Performance Measure A.1*)

The Applicant has a clear and compelling mission for charter school authorizing that aligns with, supports, and advances the intent of law and purpose of charter schools.

Approval Criteria. A satisfactory response:

- Identifies the Applicant's clear and compelling mission; and
- Clearly describes how the mission aligns with, supports, and advances the intent of Hawaii Revised Statutes ("HRS") Chapter 302D and the purpose of charter schools pursuant to Board Policy.

### **Standard A.2: Strategic Vision and Organizational Goals** (*HAPES Performance Measure A.2*)

The Applicant has a comprehensive long-term strategic vision for charter school authorizing with clear organizational goals and timeframes for achievement that are aligned with, support, and advance the intent of law and the purpose of charter schools.

Approval Criteria. A satisfactory response:

- Identifies the Applicant's comprehensive long-term strategic vision for charter school authorizing;
- Identifies the Applicant's organizational goals (at least three) that are specific, measurable, achievable, and relevant to the Applicant's strategic vision and include indicators, metrics, and realistic timeframes for achievement (*important note: these goals go into the authorizing contract and establish the specific performance terms for the first five years of authorizer operations*);
- Clearly describes how the strategic vision and organizational goals align with, support, and advance the intent of HRS Chapter 302D and the purpose of charter schools pursuant to Board Policy, including appropriate strategies for charter school authorizing;
- Explains how the Applicant will evaluate its work against its strategic vision and organizational goals; and
- Explain how the Applicant will implement plans for improvement when falling short of its organizational goals.

**~~Standard A.3: Operational Conflicts of Interest (HAPES Performance Measure A.3)~~**

~~The Applicant has a clear policy to address conflicts of interest in all decision making processes concerning the portfolio of charter schools.~~

Approval Criteria. A satisfactory response:

- ~~Includes, as Attachment A, the Applicant's clear policy to address conflicts of interest in all decision making processes concerning the portfolio of charter schools; and~~
- ~~Describes adequate processes and procedures for implementing and executing the Applicant's conflict of interest policy to avoid conflicts of interest that might affect the Applicant's capacity to make objective, merit-based application and renewal decisions and avoid decisions and interventions that hold the Applicant accountable for a school's performance rather than holding the school solely responsible for its own performance.~~

**~~Standard A.4: Self-Evaluation of Capacity, Infrastructure, and Practices (HAPES Performance Measure A.4)~~**

~~The Applicant has an adequate plan to self-evaluate its internal ability (capacity, infrastructure, and practices) to oversee its portfolio of charter schools and develop continuous improvement plans to address findings of self-evaluation.~~

Approval Criteria. A satisfactory response:

- ~~Describes the Applicant's plan to regularly evaluate its internal ability (capacity, infrastructure, and practices) to oversee its projected portfolio of charter schools, including:~~

- ~~○ A sample schedule of self-evaluations demonstrating regular reviews;~~
- ~~○ The process the Applicant will use to adequately evaluate its internal ability (capacity, infrastructure, and practices) against national standards and its organizational goals; and~~
- ~~○ The Applicant's process to develop and implement continuous improvement plans to sufficiently address findings of its self-evaluations.~~

**Standard A.35: Structure of Operations** (*HAPES Performance Measure A.35*)

The Applicant has a clear structure of duties and responsibilities, including appropriate lines of authority and delegation of duties between decision-makers and staff, to effectively oversee its portfolio of charter schools.

Approval Criteria. A satisfactory response:

- Provides an organizational chart that shows clear lines of reporting, authority, and decision-making and, if applicable, showing projected organizational changes due to proposed expansion over the first five years of authorizer operations;
- Identifies the positions (e.g., board members, employees, contractors, volunteers; both paid and unpaid positions) allocated to authorizing duties and the full-time equivalencies of those positions;
- Clearly demonstrates how the Applicant's structure of operations supports its strategic vision and its ability to execute the responsibilities of a quality authorizer in accordance with HRS Chapter 302D; and
- Clearly explains how the Applicant's structure of operations is specifically tailored to meet the authorizing needs of its projected portfolio of charter schools.

**Standard A.46: Capacity and Skill Development of Leadership and Staff** (*HAPES Performance Measure A.57*)

The Applicant ensures a commitment to quality authorizing and has an adequate plan to enable continual agency improvement through regular professional development of its authorizing leadership and staff. The Applicant's plan for professional development aligns with its mission, vision, and organizational goals.

Approval Criteria. A satisfactory response:

- Describes the Applicant's plan to offer adequate professional development that builds the skill base of its authorizing leadership and staff, including:
  - The frequency and nature of potential professional development as well as the personnel expected to attend; and
  - An explanation of how professional development will help the authorizing leadership and staff accomplish the Applicant's mission, vision, and organizational goals.

**Standard A.54: Self-Evaluation of Capacity, Infrastructure, and Practices** (*HAPES Performance Measure A.74*)

The Applicant has an adequate plan to self-evaluate its internal ability (capacity, infrastructure, and practices) to oversee its portfolio of charter schools and develop continuous improvement plans to address findings of self-evaluation.

Approval Criteria. A satisfactory response:

- Describes the Applicant's plan to regularly evaluate its internal ability (capacity, infrastructure, and practices) to oversee its projected portfolio of charter schools, including:
  - A sample schedule of self-evaluations demonstrating regular reviews;
  - The process the Applicant will use to adequately evaluate its internal ability (capacity, infrastructure, and practices) against national standards and its organizational goals; and
  - The Applicant's process to develop and implement continuous improvement plans to sufficiently address findings of its self-evaluations.

**Standard A.63: Operational Conflicts of Interest (HAPES Performance Measure A.83)**

The Applicant has a clear policy to address conflicts of interest in all decision-making processes concerning the portfolio of charter schools.

Approval Criteria. A satisfactory response:

- Includes, as **Attachment A**, the Applicant's clear policy to address conflicts of interest in all decision-making processes concerning the portfolio of charter schools; and
- Describes adequate processes and procedures for implementing and executing the Applicant's conflict of interest policy to avoid conflicts of interest that might affect the Applicant's capacity to make objective, merit-based application and renewal decisions and avoid decisions and interventions that hold the Applicant accountable for a school's performance rather than holding the school solely responsible for its own performance.

**Standard A.7: Compliance to Statutory Responsibilities (HAPES Performance Measure A.9)**

The Applicant has an adequate plan to comply with its statutory responsibilities, including authorizer reporting and the appropriate distribution of funds to its charter schools.

Approval Criteria. A satisfactory response:

- Describes the Applicant's internal process demonstrating that it will submit its annual reports on time and with complete information;
- Describes the Applicant's internal process demonstrating that it will appropriately distribute state and federal funds to the charter schools within its portfolio in accordance with law; and
- Describes how the Applicant will adequately act as a point of contact between its portfolio of schools and the Department of Education. ~~and~~

- ~~Describes how the Applicant will be responsible for and ensure the compliance of its portfolio of schools with all applicable state and federal laws, including reporting requirements.~~

**Commented [21]:** Need to explain that this is a technical amendment because it is covered by standards C.6 and C.7.

## PART B: FINANCIAL PLAN

Note: ~~Statute-Hawai'i law~~ does not expressly allow authorizers to charge charter schools fees for operating costs. The authorizing contract prohibits an authorizer from receiving payments from the charter schools within its portfolio of schools for anything other than services purchased by charter schools at their own discretion in accordance with HRS Section 302D-10. The authorizing contract further clarifies that an authorizer shall not charge charter schools within its portfolio of schools fees for any activities, functions, or operations required of authorizers by law. Further, ~~statute-Hawai'i law~~ does provide dedicated state resources to authorizers other than the State Public Charter School Commission.

### Standard B.1: Authorizing Operational Budget (HAPES Performance Measures A.35 and A.68)

The Applicant has a budget with sufficient resources to effectively oversee its portfolio of charter schools. The Applicant has an adequate plan to obtain and allocate the resources stated in its budget.

Approval Criteria. A satisfactory response:

- Includes, as **Attachment B**, the Applicant's anticipated five-year budget that clearly aligns with the Organizational and Authorizing Plans and outlines the following:
  - Secured and anticipated revenue sources, such as dedicated annual operating funds from the Applicant's parent organization and additional funds from outside sources;
  - Anticipated expenditures, such as staff, travel, consultants, professional development, rent, equipment, and supplies; and
  - Anticipated staff expenditures and personnel budget increases in relation to charter school portfolio growth;
- Specifies the sources of funds that will fund each of the paid positions identified under Standard A.35;
- Indicates which sources of funds outlined in the budget are secured and which are anticipated; includes, as **Attachment C**, evidence of commitment for all such funds (e.g., grant award letters, letters of commitment, memoranda of understanding); and describes any restrictions on any of the aforementioned funds;
- Describes adequate contingencies should anticipated, unsecured revenue sources fail to materialize;
- Provides the target number of schools for the portfolio of charter schools for the first five years of authorizer operations that clearly aligns with the Organizational and Authorizing Plans (*Important note: this number goes into the authorizing*

*contract and establishes the maximum portfolio size for the Applicant's first five years of authorizer operations);*

- Clearly demonstrates how the Applicant's budget supports its strategic vision and its ability to execute the responsibilities of a quality authorizer in accordance with HRS Chapter 302D; and
- Clearly explains how the Applicant's budget is specifically tailored to meet the authorizing needs of its projected portfolio of charter schools.

### **PART C: AUTHORIZING PLAN**

#### **Standard C.1: Application Process, Timeline, and Request for Proposals (HAPES Performance Measure B.1)**

The Applicant has a comprehensive application process for new charter schools that includes realistic timelines, fair and transparent procedures, and guidance that clearly describes each stage of the process. The Applicant has a request for proposals for new charter schools that is clear, comprehensive, and aligned to its mission, vision, and organizational goals.

Approval Criteria. A satisfactory response:

- Includes, as **Attachment D**, the Applicant's clear and comprehensive application process and request for proposals for new charter schools that align to its mission, vision, and organizational goals;
- Demonstrates that the application process:
  - Broadly invites and solicits charter applications;
  - Publicizes the Applicant's vision and chartering priorities without restricting or refusing to review applications that propose to fulfill other goals;
  - Allows sufficient time for each stage of the application process to be carried out with quality and integrity;
  - Has fair and transparent procedures, including informing charter applicants of their rights and responsibilities and promptly notifying charter applicants of approval or denial while explaining the factors that determined the decision;
  - Clearly explains how each stage of the application process is conducted and evaluated, including the approval criteria and evaluation and decision-making processes; and
  - Complies with HRS Section 302D-13;
- Demonstrates that the request for proposals:
  - Clearly states the authorizer's chartering priorities that align to its organizational goals;
  - Articulates comprehensive application questions to elicit the information needed for rigorous evaluation of charter applicants' plans and capacities; and
  - Complies with HRS Section 302D-13(c)(1); and
- Provides a detailed timeline with specific dates of the first application process the Applicant anticipates to implement, including every major milestone and deadline

from the release of the request for proposals to the final decision-making on each application.

**Standard C.2: Approval Criteria for Charter School Applications** (*HAPES Performance Measure B.2*)

The Applicant has clear and comprehensive approval criteria that align to law and allow it to rigorously evaluate new charter school proposals.

Approval Criteria. A satisfactory response:

- Demonstrates that the approval criteria contained within the Applicant's request for proposals (included as part of **Attachment D**):
  - Require all charter applicants to present a clear and compelling mission;
  - Require all charter applicants to present strong academic, financial, organizational, and operational plans that are likely to satisfactorily meet the indicators, measures, and metrics set forth in the Applicant's performance framework provided under Standard C.6 and are in compliance with all applicable laws and Board policies;
  - Require all charter applicants to present clear evidence of the charter applicant's capacity to execute its plans; and
  - Provide distinct criteria for charter applicants who are existing school operators, proposing to contract with education service or management providers, or proposing to operate virtual charter schools.

**Standard C.3: Evaluation and Decision-Making Process** (*HAPES Performance Measure B.3*)

The Applicant has clear and comprehensive evaluation process standards to ensure qualified internal and external evaluators rigorously evaluate new charter school proposals. The Applicant has an adequate plan to ensure its decisions and resulting actions align to its stated approval criteria and evaluation process standards.

Approval Criteria. A satisfactory response:

- Demonstrates that the evaluation process standards described within the Applicant's application process (included as part of **Attachment D**) include:
  - Rigorous evaluation of each charter application through thorough review of the written proposal, a substantive in-person interview with each qualified charter applicant, and other due diligence to examine the charter applicant's experience and capacity, conducted by knowledgeable and competent evaluators;
  - Documentation of evidence by evaluators to support whether each charter applicant meets each of the approval criteria;
  - Training from the Applicant to evaluators to ensure consistent evaluation standards and practices, observance of essential protocols, and fair treatment of charter applicants;
  - Clear communication of the resulting evaluation and authorizer decision to charter applicants specifying reasons for approval or denial; and

- The Applicant ensuring that the application evaluation process and decision making are free of conflicts of interest and require full disclosure of any potential or perceived conflicts of interest between evaluators or decision makers and applicants;
- Describes how the Applicant will adequately ensure it recruits an evaluation team with internal and external evaluators who have relevant expertise or experience in the essential areas of educational planning, governance, financial management, and school accountability; and
- Describes how the Applicant will adequately ensure it grants charter contracts only to charter applicants that have demonstrated competence and capacity to succeed in all aspects of the school, consistent with its stated approval criteria, as described under Standard C.2, and its evaluation process standards.

**Standard C.4: Pre-Opening Charter School Process** (*HAPES Performance Measure B.4*)

The Applicant has clear and comprehensive pre-opening processes and criteria to determine the readiness of a pre-opening charter school to commence operations on a reasonable timeline.

Approval Criteria. A satisfactory response:

- Includes, as **Attachment E**, a template or sample of the Applicant's pre-opening criteria that clearly requires an approved charter applicant provide the Applicant with the following prior to opening as a charter school:
  - Documentation and/or assurances that all health, safety, and other legal requirements are met;
  - Evidence of sufficient staffing and governance;
  - A demonstration of adequate operating funds; and
  - Evidence of a facility that supports the school's needs;
- Clearly describes the Applicant's pre-opening process that complies with HRS Section 302D-14.5 and explains how it allows sufficient time for pre-opening charter schools to meet the pre-opening criteria with quality and integrity;
- Describes how the Applicant will adequately ensure it approves commencement of operations only for charter schools that have demonstrated readiness consistent with the pre-opening criteria; and
- Demonstrates how the pre-opening process and criteria ensure that a charter school will not be significantly different upon opening from what was described in its authorizer-approved application.

**Standard C.5: Charter Contract Terms, Negotiation, and Execution** (*HAPES Performance Measure C.1*)

The Applicant has an adequate plan to execute charter contracts that clearly define material terms and rights and responsibilities of the school and the authorizer.

Approval Criteria. A satisfactory response:

- Includes, as **Attachment F**, the Applicant's charter contract template that clearly:
  - Defines material terms of the charter contract;

- Allows—and requires contract amendments for—occasional material changes to a school's plans, but does not require amending the contract for non-material modifications to the school's plans;
- States the rights and responsibilities of the school and the Applicant;
- States and respects the autonomies to which schools are entitled—based on statute, waiver, or authorizer policy—including those relating to the school's authority over educational programming, staffing, budgeting, and scheduling;
- Defines performance standards, criteria, and conditions for renewal, intervention, revocation, and nonrenewal while establishing the consequences for meeting or not meeting standards or conditions;
- States the statutory, regulatory, and procedural terms and conditions for the school's operation;
- States the responsibility and commitment of the school to adhere to essential public education obligations, including admitting and serving all eligible students so long as space is available, and not expelling or counseling out students except pursuant to a legal discipline policy approved by the Applicant;
- States the responsibilities of the school and the Applicant in the event of school closures;
- For any school that contracts with an external (third-party) service provider for education design and operation or management, includes additional provisions that ensure rigorous, independent service contract oversight by the charter school governing board and the school's financial independence from the third-party education service provider; and
- Aligns with state law; and
- Describes adequate practices, processes, and procedures to:
  - Execute charter contracts with legally constituted governing boards independent of the Applicant;
  - Grant charter contracts for an initial term of five operating years; and
  - Ensure mutual understanding and acceptance of the terms of the charter contract by school governing boards prior to execution of charter contracts by the Applicant.

**Standard C.6: Charter School Performance Standards** (*HAPES Performance Measure C.2*)

The Applicant has an adequate plan to execute charter contracts with clear, measurable, and attainable performance standards.

Approval Criteria. A satisfactory response:

- Demonstrates that the performance frameworks contained within the Applicant's charter contract template (included as part of **Attachment F**) clearly:
  - Define measurable and attainable academic, financial, and organizational performance standards and targets under which the Applicant will evaluate schools and that schools must meet as a condition of charter contract renewal;

- Include expectations for appropriate access, education, support services, and outcomes for students with disabilities;
- Define the sources of academic data that will form the evidence base for ongoing and renewal evaluation, such as state-mandated and other standardized assessments, student academic growth measures, internal assessments, qualitative reviews, and performance comparisons with other public schools in the state;
- Define the sources of financial data that will form the evidence base for ongoing and renewal evaluation grounded in professional standards for sound financial operations and sustainability;
- Define the sources of organizational data that will form the evidence base for ongoing and renewal evaluation, focusing on fulfillment of legal obligations, fiduciary duties, and sound public stewardship; and
- Comply with HRS Section 302D-16.

**Standard C.7: Process for Ongoing Oversight of Charter Schools** (*HAPES Performance Measure D.1*)

The Applicant has an adequate plan to implement a comprehensive oversight and monitoring system as defined by its charter contract.

Approval Criteria. A satisfactory response:

- Describes a comprehensive oversight and monitoring system, including any criteria, processes, or procedures that the Applicant will use, that:
  - Provides clear guidance to schools to ensure their timely compliance with charter contract provisions, ~~and~~ applicable laws, ~~and~~ Board policies;
  - Protects student rights, including ensuring fair and transparent selection processes open to all students, legally compliant access and services to students with disabilities, equitable access and inclusive services for all students, and fair and legal student discipline policies;
  - Provides the Applicant with the information necessary to make rigorous and standards-based intervention, revocation, and renewal decisions; and
  - Fairly and consistently enforces the consequences stated in the charter contract for failing to meet performance expectations or compliance requirements;
- Demonstrates that the described oversight and monitoring system is clearly defined by the charter contract template (included as **Attachment F**); and
- Describes adequate practices, processes, and procedures for how the Applicant will:
  - Implement its oversight and monitoring system consistently across its portfolio of schools; and
  - Ensure communication to schools, including both school leadership and governing boards, regarding oversight and monitoring is clear, regular, and timely.

**Standard C.8: Protecting School Autonomy** (*HAPES Performance Measure D.2*)

The Applicant has an adequate plan to respect, preserve, and support the essential autonomies of the portfolio of charter schools.

Approval Criteria. A satisfactory response:

- Identifies clear provisions within the Applicant's charter contract template (included as **Attachment F**) that adequately establish and recognize the school's authority over its day-to-day operations and decisions that are clearly within its purview, including those pertaining to the school's academic, operational, and financial needs; and
- Describes adequate practices, processes, and procedures for respecting, preserving, and supporting the essential autonomies guaranteed by the charter contract to the portfolio of schools that demonstrate the Applicant will, at a minimum:
  - Collect information from schools in a manner that minimizes their administrative burdens while still ensuring that the Applicant collects performance and compliance information with sufficient detail and timeliness to protect student and public interests;
  - Periodically review compliance requirements and evaluate the potential to increase school autonomy based on flexibility in the law, streamlining requirements, demonstrated school performance, or other considerations; and
  - Refrain from directing or participating in educational decisions or choices that are appropriately within a school's purview under the law or charter contract.

**Standard C.9: Standards and Processes for Intervention and Corrective Action**  
(HAPES Performance Measure D.3)

The Applicant has clear and comprehensive standards and processes to address intervention and corrective action.

Approval Criteria. A satisfactory response:

- Identifies a clear and comprehensive intervention policy within the Applicant's charter contract template (included as **Attachment F**) that includes conditions that may trigger intervention and the types of possible actions and consequences that may ensue; and
- Describes the Applicant's processes for intervention and corrective action that:
  - Adequately implement the intervention policy contained in the charter contract;
  - Give schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies;
  - Allow schools reasonable time and opportunity for remediation in non-emergency situations;
  - Identify what the school must remedy without prescribing solutions when intervention is needed; and

- Apply professional discretion when intervention is needed and consider context and a range of effective solutions rather than relying solely on tools or protocols to make decisions.

**Standard C.10: Charter Contract Renewal Process and Performance Reports**  
(HAPES Performance Measure E.1)

The Applicant has a clear, comprehensive, fair, and transparent process for charter contract renewal.

Approval Criteria. A satisfactory response:

- Includes, as **Attachment G**, the Applicant's renewal process and application guidance that complies with HRS Section 302D-18; and
- Demonstrates that the renewal process and application guidance:
  - Include criteria for charter revocation, renewal, and nonrenewal decisions that are consistent with the charter contract and performance standards, as described under Standard C.6;
  - Clearly explain available appeal rights through which a school may challenge the authorizer's decision;
  - Provide regular updates and publication of the process for renewal decision making;
  - Provide a meaningful opportunity and reasonable time for a school to respond to its performance report; to correct the record, if needed; and to present additional evidence regarding its performance;
  - Send a performance report to the school in advance of a renewal decision;
  - Ensure the performance report summarizes the school's performance and states the Applicant's summative findings concerning the school's performance and its prospects for renewal;
  - Notify each school of the Applicant's decision, including written explanation of the reasons for the decision; and
  - Ensure prompt communication of renewal or revocation decisions to the school community and public that allows parents and students to exercise choices for the coming school year.

**Standard C.11: Charter Contract Renewal or Revocation Decisions** (HAPES Performance Measure E.2)

The Applicant has an adequate plan to ensure its renewal and revocation decisions align to its stated performance standards.

Approval Criteria. A satisfactory response:

- Describes how the Applicant will adequately ensure it:
  - Grants charter contract renewals only to schools that have met the Applicant's performance standards, as described under Standard C.6, and have been faithful to the terms of the charter contract;
  - Does not make renewal decisions (including granting probationary or short-term renewals) on the basis of political or community pressure or solely on promises of future improvement; and

- Bases its revocation decisions on clear evidence of extreme underperformance or violation of law to protect student and public interests and proceeds with revocation as soon as practicable if becomes aware of such evidence.

**Standard C.12: School Closure Protocol** (*HAPES Performance Measure E.3*)

The Applicant has a school closure protocol that is clear and comprehensive.

Approval Criteria. A satisfactory response:

- Includes, as **Attachment H**, the Applicant's clear and comprehensive school closure protocol with reasonable timelines; and
- Demonstrates that the closure protocol includes:
  - Procedures that require the Applicant to not only oversee, but also to work with the school's governing board and leadership;
  - Details to cover all of major situations that would arise in a closure process;
  - Timely notification to parents;
  - Orderly transition of students and student records to new schools;
  - Disposition of school funds, property, and assets in accordance with law; and
  - Sufficient time for the school to comply with Applicant's closure protocol without compromising the interests of students or the public.

**PART D: APPLICANT CAPACITY**

**Standard D.1: Authorizer Leadership and Staff Expertise** (*HAPES Performance Measure A.46*)

The Applicant has appropriate experience, expertise, and skills to sufficiently oversee the portfolio of charter schools.

Approval Criteria. A satisfactory response:

- Includes, as **Attachment I**, the resumes of individuals anticipated to fill any paid or unpaid positions identified under Standard A.5 and job descriptions for the remaining positions that the Applicant has not yet identified individuals to fill;
- Demonstrates how the positions identified under Standard A.5, including the individuals anticipated to fill any of those positions, possess or require the *experience, expertise, and skills* in the *essential authorizing areas* necessary to implement the Applicant's Organizational, Financial, and Authorizing Plans;
- Demonstrates, through an in-person interview with evaluators, that the Applicant:
  - Can clearly and effectively articulate its proposed plans;
  - Is well informed and understands the challenges, issues, and requirements associated with operating a quality authorizer;
  - Has comprehensive and holistic knowledge of its written application; and
  - Is genuinely interested in and committed to becoming a quality authorizer.

Use the definitions below for Standard D.1:

- *Essential authorizing areas* includes, but is not limited to, education leadership; curriculum, instruction, and assessment; special education, English learners, and other diverse learning needs; performance management and accountability; federal, state, and county law and Board policies; finance; facilities; and nonprofit governance and management.
- *Expertise* is defined as having knowledge, education, or training in the *essential authorizing areas*.
- *Experience* is defined as the length of time working in the *essential authorizing areas*.
- *Skills* is defined as the effective application of *experience* and *expertise* in the *essential authorizing areas*.

DRAFT

**Attachment E**

**Authorizing Contract Template**

**(Revised from February 7, 2019 Student Achievement Committee draft and  
changes shown in redline)**



STATE OF HAWAII  
BOARD OF EDUCATION

## **AUTHORIZING CONTRACT**

This Contract is executed by and between the BOARD OF EDUCATION (the "Board"), as established by the Constitution of the State of Hawaii, whose mailing address is 1390 Miller Street, Room 405, Honolulu, Hawaii, 96813, and \_\_\_\_\_ (the "Authorizer"), whose mailing address is \_\_\_\_\_, singularly "Party" and collectively "Parties."

### **RECITALS**

WHEREAS, Article X, Section 1 of the Constitution of the State of Hawaii provides for the establishment, support, and control of a statewide system of public schools free from sectarian control, a state university, public libraries, and such other educational institutions as may be deemed desirable, including physical facilities therefor;

WHEREAS, Article X, Sections 2 and 3 of the Constitution of the State of Hawaii establish the Board of Education with the power, as provided by law, to formulate statewide educational policy and appoint the superintendent of education as the chief executive officer of the public school system;

WHEREAS, Chapter 302D, Hawaii Revised Statutes ("HRS"), sets forth the laws under which charter schools and their authorizers are created and governed;

WHEREAS, Chapter 8-515, Hawaii Administrative Rules ("HAR"), sets forth the administrative laws under which authorizers are established and overseen;

WHEREAS, pursuant to Chapter 302D, HRS, and Chapter 8-515, HAR, the Board has the power to grant chartering authority to an eligible entity and enter into an authorizing contract with that entity, thereby establishing it as an authorizer;

WHEREAS, Section 302D-1, HRS, defines an “authorizer” as an entity with chartering authority to review charter applications, decide whether to approve or deny charter applications, enter into charter contracts with applicants, oversee public charter schools, and decide whether to authorize, renew, deny renewal of, or revoke charter contracts;

WHEREAS, Section 8-515-2, HAR, defines an “authorizing contract” as a fixed-term, renewable contract between an authorizer and the Board that outlines the performance expectations of the authorizer and the roles, powers, and responsibilities for each party to the contract;

WHEREAS, through this Contract, the Parties are desirous of setting clear performance and accountability expectations for the Authorizer while preserving the autonomy of the Authorizer to fulfill its authorizer responsibilities and contribute to the development of high quality charter schools;

WHEREAS, this Contract is the first such agreement between the Parties;

**NOW, THEREFORE**, in consideration of the foregoing and the mutual covenants, representations, warranties, and agreements contained herein, the Parties hereby agree as follows:

1. Term. The term of this Contract shall be six years, commencing on \_\_\_\_\_, 20\_\_, and terminating on \_\_\_\_\_, 20\_\_.
2. Legal Status. The Authorizer is [an accredited public OR private postsecondary institution / an agency of the County of \_\_\_ / an agency of the State of Hawaii / a nonprofit organization exempt from federal taxes under Section 501(c)(3) OR Section 501(c)(6) of the Internal Revenue Code]. **\*\*For private entities\*\***] The Authorizer shall remain registered to do business in Hawaii with the Department of Commerce and Consumer Affairs and in good standing as [an accredited postsecondary institution, pursuant to Chapter 305J, HRS, / a nonprofit organization, pursuant to Chapter 414D, HRS, and maintain federal tax exemption status under 501(c)(3) OR Section 501(c)(6) of the Internal Revenue Code] through the duration of the term of this Contract. The Authorizer shall be nonsectarian in its operations. Pursuant to Section 302D-25, HRS, the Authorizer may not bring suit against any entity or agency of the State of Hawaii.
3. Specific Terms. The specific terms defined in Exhibit A to this Contract set forth the material elements of the Authorizer’s strategic direction, including, but not limited to, the Authorizer’s mission and vision statements and its organizational goals. The Authorizer shall operate in a manner consistent with the specific terms defined in Exhibit A at all times. Revisions to any of the specific terms in Exhibit A shall be

considered material changes to the Contract and shall require prior written approval by the Board unless otherwise indicated in this Contract.

4. Chartering Authority. The Authorizer shall exercise its chartering authority only within the jurisdiction defined by the chartering authority jurisdiction in Exhibit A to this Contract. The Authorizer shall execute its essential powers and duties, pursuant to Section 302D-5, HRS, in accordance with national principles and standards for quality charter authorizing, pursuant to Section 302D-6, HRS, and with the spirit and intent of Chapter 302D, HRS.
5. Portfolio of Schools. The Authorizer may authorize and enter into charter contracts with no more than the number of charter schools defined by the maximum portfolio size in Exhibit A.
6. New Charter Schools. If the Authorizer approves a charter application, pursuant to Section 302D-13, HRS, the Authorizer shall notify the Board, ~~and the Hawaii Department of Education (the "Department")~~, and all other authorizers in the state, in writing, within ten (10) business days of the decision to approve. Pursuant to Section 302D-14.5, HRS, the Authorizer shall establish pre-opening criteria and require any pre-opening charter school to meet such criteria before allowing it to commence operations. The Authorizer shall notify the Board, ~~and the Department,~~ and all other authorizers in the state, in writing, within three (3) business days of any determination by the Authorizer of whether or not a pre-opening charter school has met the pre-opening criteria.
7. Charter Contract Renewal, Nonrenewal, and Revocation. If the Authorizer renews, does not renew, or revokes a charter contract pursuant to Section 302D-18, HRS, the Authorizer shall report to the Board within 15 calendar days of taking action. The report shall set forth the action the Authorizer took, reasons behind its decision, and assurances as to its compliance with all requirements set forth in Chapter 302D, HRS.
8. Charter Transfers. If a charter school within the Authorizer's portfolio of schools desires to transfer to another authorizer or if a charter school within another authorizer's portfolio desires to transfer to the Authorizer, the Authorizer shall follow the Board's process for charter transfers, pursuant to Chapter 8-517, HAR, cooperate with the charter school governing board and the other authorizer involved, and fulfill any requests from the Board necessary to process a charter transfer request.
9. Authorizer Evaluation. The Hawaii Authorizer Performance Evaluation System ("HAPES"), as adopted by the Board and modified from time to time, sets the performance expectations for the Authorizer, pursuant to Section 8-515-10, HAR.

The organizational goals defined in Exhibit A of this Contract set the specific additional performance terms, pursuant to Section 302D-4(g), HRS. The Authorizer shall fulfill all requests from the Board necessary to conduct performance evaluations or special reviews in accordance with Sections 8-515-11 and 8-515-12, HAR. The Board reserves the right to modify HAPES and shall notify the Authorizer, in writing, whenever there are modifications.

10. Self-Evaluation. The Authorizer shall evaluate its internal ability to oversee its portfolio of charter schools—including, but not limited to, its capacity, infrastructure, and practices—on at least an annual basis against national principles and standards. The Authorizer shall develop and implement continuous improvement plans to address any findings resulting from self-evaluations and report such findings and continuous improvement plans in its annual report to the Board.
11. Corrective Action. The Board may require actions of the Authorizer, including, but not limited to, a corrective action plan pursuant to Section 8-515-13, HAR, to correct performance deficiencies, as measured by HAPES, or violations of material provisions of existing charter contracts, this Contract, Board policies, rules, or law. The Board shall provide the Authorizer with written notice and a reasonable period, as determined by the Board, to remedy identified problems.
12. Revocation of Chartering Authority. Failure of the Authorizer to make significant progress in remedying identified problems, as described in paragraph 11 of this Contract, in a reasonable time, as determined by the Board, and to a degree acceptable to the Board is grounds for termination of this Contract and revocation of the Authorizer's chartering authority, pursuant to Section 302D-11, HRS, and Section 8-515-19, HAR.
13. Renewal of Chartering Authority. This agreement may be renewed for an additional term pursuant to Chapter 8-515, HAR. The Authorizer shall fulfill all requests from the Board necessary to process the chartering authority renewal application in accordance with Sections 8-515-15, 8-515-16, and 8-515-17, HAR. The Board may decide not to renew this Contract and terminate the Authorizer's chartering authority for any reason described in Section 8-515-14, HAR, including, but not limited to, the Authorizer's performance, as measured by HAPES, which shall indicate whether the Authorizer is making sufficient progress toward the performance expectations set forth in this Contract.
14. Suspension of Specific Chartering Authority. The Board may decide the Authorizer's performance, as measured by HAPES, is in need of improvement but not wholly unsatisfactory to warrant revocation or nonrenewal of this Contract. In such instance, the Authorizer shall not approve new charter schools, approve the replication or expansion of existing charter schools within its portfolio of schools,

accept charter transfers, or any combination thereof, as determined by the Board. The Board may lift this suspension of chartering authority if it determines the Authorizer has adequately addressed the stated performance deficiencies. Any breach of suspension of chartering authority set by the Board is grounds for termination of this Contract and revocation of the Authorizer's chartering authority, pursuant to Section 302D-11, HRS, and Section 8-515-19, HAR.

15. Transition of Chartering Authority. In the event the Authorizer's chartering authority is terminated and it ceases operation for any reason, including, but not limited to, nonrenewal, revocation, or voluntary surrender of this Contract, the Authorizer shall cooperate with the Board in ensuring the orderly transfer of charter schools within the Authorizer's portfolio of schools to other authorizers. Pursuant to Section 8-517-6, HAR, the Authorizer shall provide the Board with information about academic, financial, organizational, and operational performance status of each charter school in its portfolio as well as any existing outstanding obligations pursuant to its charter contracts. The Authorizer shall provide the Board with the contact information for governing board members and school leaders at each of the charter schools within its portfolio. The Authorizer shall distribute and dispose of all assets owned by the Authorizer including tangible, intangible, and real property in accordance with applicable law.

16. Compliance with Laws. The Authorizer shall comply with all applicable federal, state, and county laws, ordinances, codes, rules, and regulations, as the same may be amended from time to time, including, but not limited to:

16.1. Conflict of Interest. By its signature on this Contract, the Authorizer certifies: 1) it has reviewed and understands ethics and conflict of interest laws, including, but not limited to, Section 302D-8, HRS, and Chapter 84, HRS, if applicable; and 2) will take no action inconsistent with those laws. Failure of the Authorizer to comply with ethics and conflict of interest laws as applicable is, in itself, grounds for termination of this Contract and may result in the loss of other contracts or grants with the State of Hawaii. The Authorizer shall adopt and adhere to a conflict of interest policy to ensure objective decision-making.

16.2. Procurement. Pursuant to Section 302D-25, HRS, the Authorizer is exempt from Chapter 103D, HRS, but shall develop and adhere to a policy for the procurement of goods, services, and construction consistent with the goals of public accountability and public procurement practices.

16.3. Fees. The Authorizer shall receive no payments from the charter schools within its portfolio of schools other than those for services purchased by charter schools at their own discretion in accordance with Section 302D-

10, HRS. The Authorizer shall not charge charter schools within its portfolio of schools fees for any activities, functions, or operations required of authorizers by law.

- 16.4. Charter School Allocations. The Authorizer shall distribute state and federal funds to the charter schools within its portfolio of schools in accordance with state and federal laws, including, but not limited to, Section 302D-28, HRS. The Authorizer shall not withhold any portion of a charter school's allocation except for noncompliance purposes to the extent allowed by law.
- 16.5. Governing Board Membership. The Authorizer shall monitor the membership of the governing boards of the charter schools within its portfolio of schools for compliance with Section 302D-12, HRS.
- 16.6. Monitoring Compliance with Laws. The Authorizer shall monitor, in accordance with the terms of the charter contract, all of the charter schools within its portfolio of schools for compliance with all applicable federal, state, and county laws, ordinances, codes, rules, and regulations, pursuant to Sections 302D-5 and 302D-17, HRS.
- 16.7. Monitoring Performance. The Authorizer shall monitor and evaluate, in accordance with the terms of the charter contract, the academic, financial, organizational, and operational performance of each of the charter schools within its portfolio of schools on at least an annual basis, pursuant Sections 302D-5, 302D-16, and 302D-17, HRS. The Authorizer shall require the charter schools within its portfolio of schools to adhere to the appropriate standards for student achievement as defined by the Board, pursuant to Section 302D-1, HRS.
- 16.8. Data Reporting. The Authorizer shall require all charter schools within its portfolio of schools to transmit fiscal, personnel, and student data required by the Department as electronic data files that meet the educational data reporting standards set by the Board, pursuant to Section 302D-23, HRS.
- 16.9. Financial Audits and Reviews. The Authorizer shall require each charter school within its portfolio of schools to complete an annual independent financial audit or financial review, pursuant to Section 302D-32, HRS.
- 16.10. Health and Safety. The Authorizer shall comply with all directions given by the Board to address any serious health and safety issues that may exist at a charter school within the Authorizer's portfolio of schools, pursuant to Section 302D-17, HRS.

16.11. Appeals. In the event an ~~eligible~~ party appeals a decision of the Authorizer in accordance with Section 302D-15, HRS, the Authorizer shall provide the necessary, appropriate, and timely documentation to the Board, pursuant to Chapter 8-510, HAR, in order for the Board to make a decision on the appeal.

16.12. School Closure. The Authorizer shall maintain a charter school closure protocol in accordance with Section 302D-19, HRS. The Authorizer shall implement its closure protocol in the event a charter school within the Authorizer's portfolio of schools closes for any reason, including, but not limited to, the nonrenewal, revocation, or voluntary surrender of a charter contract or fiscal insolvency, pursuant to Section 302D-28.5, HRS.

16.12.1. Records. The Authorizer shall obtain all financial and enrollment records within thirty (30) days of the school's closure. The Authorizer shall retain and maintain all records the school was required to retain and maintain in accordance with all applicable federal and state laws, rules, regulations, and guidelines, including, but not limited to, the Family Educational Rights and Privacy Act of 1974, the Individuals with Disabilities Education Act, and the State of Hawaii General Records Schedule, as revised by the Department of Accounting and General Services, pursuant to Chapter 94, HRS.

16.12.16.12.2. Notification. The Authorizer shall notify the Board, the Department, and all other authorizers in the state, in writing, within three (3) business days of the Authorizer's initiation of its closure protocol.

16.13. Annual Report. The Authorizer shall submit an annual report to the Board and the Legislature of the State of Hawaii in accordance with Section 302D-7, HRS. The Authorizer shall adhere to all format, content, and submission requirements set by the Board, pursuant to Section 302D-11, HRS. The Authorizer may require each charter school within its portfolio of schools to submit an annual report to assist the Authorizer in gathering complete information, pursuant to Section 302D-17, HRS.

16.14. Annual Audit. The Authorizer shall annually complete an independent financial audit that conforms to generally accepted accounting principles and report its audited authorizing operating costs and expenses in its annual report to the Board, pursuant to Section 302D-7, HRS.

Formatted: Font: (Default) Arial, 12 pt

Formatted: Indent: Left: 0.5", Space After: 8 pt, No bullets or numbering

Formatted: Underline

Formatted: Indent: Left: 1", Hanging: 0.63"

Formatted: Indent: Left: 1.63", No bullets or numbering

Formatted: Underline

Formatted: Indent: Left: 1", Hanging: 0.63"

16.15. Technical Support. Pursuant to Section 302D-5, HRS, the Authorizer shall not provide technical support to a prospective charter school applicant, an applicant governing board, or a charter school within its portfolio of schools in cases in which the technical support may impact decisions related to the approval or denial of a charter application or the renewal, revocation, or nonrenewal of a charter contract. The Authorizer shall provide technical assistance as required by federal law and Section 302D-30, HRS. The Authorizer may provide any other technical support not prohibited by law.

16.16. School Autonomy. The Authorizer shall not regulate the charter schools within its portfolio of schools beyond the powers and duties set forth in Chapter 302D, HRS. The Authorizer shall include in its charter contracts clear provisions that respect, preserve, and support the essential autonomies of charter schools, including, but not limited to, the areas of educational planning, staffing, budgeting, and scheduling.

17. Compliance with Board Policy. The Authorizer shall comply with all applicable Board policies, as amended from time to time and determined by the Board.

18. Annual Budget. The Authorizer shall submit an annual budget to the Board by June 30 of each year for the following fiscal year. For the purposes of this Contract, the Authorizer shall operate on a fiscal year that begins on July 1 and ends on June 30.

19. Complaints Process. The Authorizer shall establish and adhere to a process for resolving public complaints and require each charter school within its portfolio of schools to establish a complaints process that includes an opportunity for complainants to be heard by the respective school's governing board. The Authorizer's process shall allow a charter school's governing board final decision-making authority on complaints. In cases where complaints may pertain to possible violations of law or charter contract terms, the Authorizer shall investigate and appropriately address such complaints. The Authorizer's complaint process shall be readily accessible from its website.

~~19-20.~~ Board Inquiries. The Authorizer shall respond to inquiries from the Board and its members in a timely manner as determined by the Board, including providing any requested documents or records, as allowable by law. The Board may require the Authorizer to appear before the Board to address inquiries at a public meeting of the Board.

~~20-21.~~ Participation in Training. The Authorizer shall attend all mandatory training seminars whether required in person or by video or telephone. If the Authorizer fails to participate in any mandatory training required by the Board, the Authorizer is

Formatted: Font: (Default) Arial, 12 pt

Formatted: Indent: Left: 0.5", Space After: 8 pt, No bullets or numbering

Formatted: Underline

subject to a finding of noncompliance and may be subject to revocation of its chartering authority. The Board shall provide notice of all mandatory training seminars within a reasonable time to permit attendance.

#### 21-22. Miscellaneous Provisions.

21-4-22.1. Entire Contract. The Parties intend this Contract, including all attachments and exhibits, to represent a final and complete expression of their agreement, which shall be considered the Contract. All prior representations, understandings, and discussions are merged herein, and no course of prior dealings between the Parties shall supplement or explain any terms used in this document. The Parties recognize that amendments to this Contract may be approved from time to time hereafter.

21-2-22.2. Amendments. Any amendment to this Contract shall be effective only if approved by a majority vote of the Board at a public meeting. The Authorizer may submit any proposed requested amendment to the Board in accordance with instructions provided by the Board. The Authorizer shall not take action related to the requested amendment until the Board has approved said amendment. The Authorizer shall agree to amend this Contract as required by changes to law, rules, and Board policies.

21-3-22.3. Governing Law. This Contract shall be governed by and construed in accordance with the laws of the State of Hawaii, including all requirements imposed by applicable policy and regulation, and all applicable federal laws of the United States.

21-4-22.4. Conflict Between Contract, Law, and Board Policy. In the event of a conflict between this Contract, state law, administrative rules, and Board policies, the order of precedence shall be state law, followed by administrative rule, followed by Board policy, followed by the terms and conditions of this Contract.

21-5-22.5. Non-Assignability. The Authorizer shall not assign or subcontract any duty, obligation, right, or interest under this Contract without prior written approval of the Board.

21-6-22.6. Notices. Unless otherwise specified by law, any official written notice required to be given by a Party to this Contract shall be delivered personally or by United States first class mail, postage prepaid, to the Parties' mailing addresses first indicated in this Contract. A notice shall be deemed to have been received three business days after mailing or at the

time of actual receipt, whichever is earlier. When feasible, Parties shall provide an electronic copy, to the Authorizer's email address in Exhibit A of this Contract or to the Board's email address at boe\_hawaii@notes.k12.hi.us, of the official written notice on the same day the notice is personally delivered or mailed. Parties are responsible for notifying each other in writing of any change of mailing address or email address.

24.7-22.7. Severability. In the event that any provision of this Contract is declared invalid or unenforceable by a court, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining terms of this Contract.

24.8-22.8. Waiver. The failure of either Party to insist upon the strict performance of or compliance with any term, provision, or condition of this Contract shall not constitute or be deemed to constitute a waiver or relinquishment of the Parties' right to enforce the same in accordance with this Contract.

24.9-22.9. No Third-Party Beneficiary. The enforcement of the terms and conditions of this Contract shall be strictly reserved to the Board and the Authorizer. Nothing contained in this Contract shall give or allow any claim or right of action whatsoever by any other person. It is the express intent of the Parties to this Contract that any person receiving services or benefits hereunder shall be deemed an incidental beneficiary only, without enforceable rights against a Party to this Contract.

**[Remainder of this page intentionally left blank]**

IN WITNESS WHEREOF, the Parties have made an entered into this Contract as of the effective date.

BOARD OF EDUCATION  
[Authorized Signatory Name]  
[Title]

[AUTHORIZER ENTITY NAME]  
[Authorized Signatory Name]  
[Title]

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

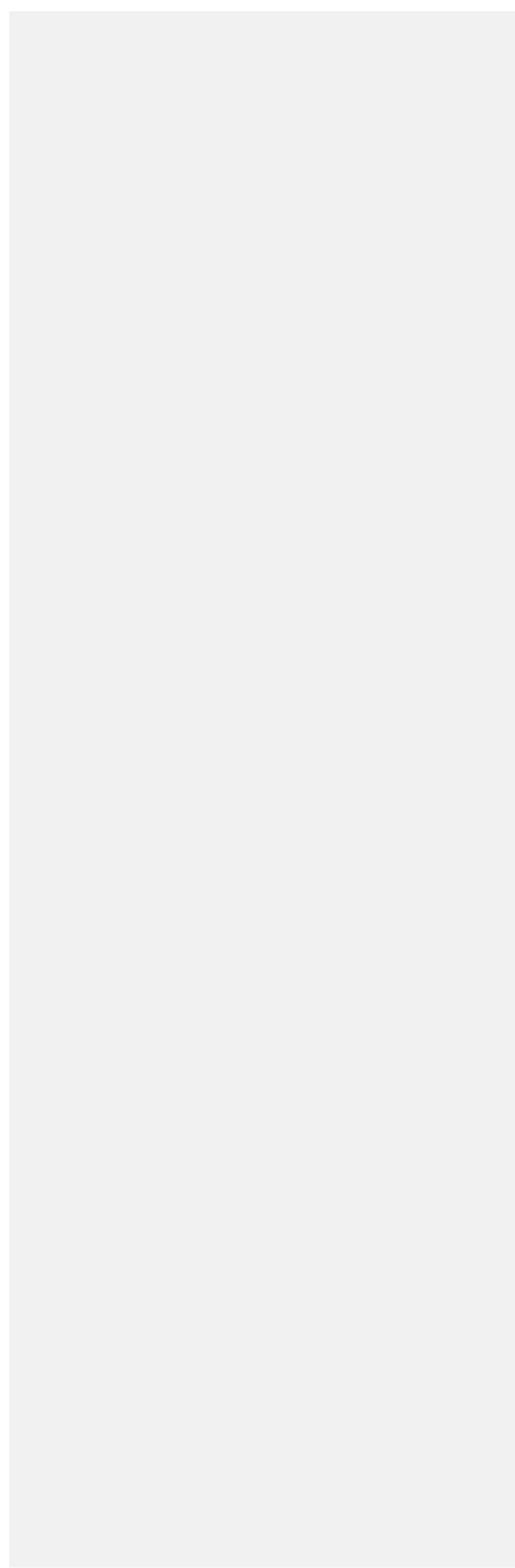
Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy Attorney General

DRAFT



**Exhibit A**  
**Specific Terms**

<b>Authorizer Name:</b>	<i>Official name of the authorizer.</i>
<b>Authorizer’s Decision Maker*:</b>	<i>Position title and/or organizational unit with decision making authority for the authorizer (e.g., governing board, department head, etc.).</i>
<b>Authorizer Head**:</b>	<i>Name and title of person responsible for executing the terms of this contract and daily authorizer operations.</i>
<b>Authorizer Email Address**:</b>	<i>Official email address of the authorizer that the Board of Education and other agencies can use to send official communications.</i>
<b>Chartering Authority Jurisdiction:</b>	<i>Statewide, regional, or local, as defined under Section 8-515-7, Hawaii Administrative Rules. Select one. Statewide: Throughout Hawaii Regional: Within the County of [redacted] Regional: Within the geographic boundaries of [island] Local: Within the [redacted] Complex Area, as designated by the Hawaii Department of Education</i>
<b>Mission:</b>	<i>Authorizer’s mission, as stated in its application for chartering authority.</i>
<b>Vision:</b>	<i>Authorizer’s strategic vision, as stated in its application for chartering authority.</i>
<b>Organizational Goal 1:</b>	<i>Authorizer’s first organizational goal, as stated in its application for chartering authority.</i>
<b>Organizational Goal 2:</b>	<i>Authorizer’s second organizational goal, as stated in its application for chartering authority.</i>
<b>Organizational Goal 3:</b>	<i>Authorizer’s third organizational goal, as stated in its application for chartering authority.</i>
<b>Maximum Portfolio Size:</b>	<i>The maximum number of charter schools the authorizer can oversee in its portfolio of schools.</i>

\*The authorizer's decision maker may be changed without prior written approval by the Board of Education ("Board"), provided that the authorizing contract holder's head executive or governing board notifies the Board of the change in writing.

\*\*The authorizer head or email address may be changed without prior written approval by the Board, provided that the authorizer's ~~supervisor~~ decision maker notifies the Board of the change in writing.

DRAFT